

Missouri Senate

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JOURNAL OF THE SENATE
NINETIETH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 6, 1999

The Senate was called to order at 12:00 noon by Lieutenant Governor Roger Wilson.

The Reverend Carl G. Gauck offered the following prayer:

Gracious and heavenly Father: We begin a new session in this place familiar to most, new to some of us, but a place of awe and responsibility nonetheless. We pray that You will be present and give these Senators and their leadership Your Spirit to guide them through the decisions that must be made. Let the words of Your prophet Micah guide their thinking and actions that each day they will do what You, our God, requires"...to do justice, and to love kindness, and to walk humbly with (You) their God." (Micah 6:8) This we ask in Your Name. Amen.

Senator DePasco announced that photographers from the Senate; the Rolla Daily News, the Sun News, KNLJ-TV, the Associated Press, KOMU-TV, KRCG-TV, KMOS-TV and KOLR-TV had been given permission to take pictures in the Senate Chamber and gallery today and that guests had been given permission to use flash equipment.

Senator DePasco submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem Edward E. Quick

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Lester Marcum

Doorkeeper Ken Holman

Senator DePasco moved that the above named officers be elected as temporary officers, which motion prevailed.

RESOLUTIONS

Senator DePasco offered the following resolution, which was read:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninetieth General Assembly of Missouri, First Regular Session, that the rules adopted by the Eighty-ninth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninetieth General Assembly, First Regular Session, until permanent rules are adopted.

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

MESSAGES FROM THE
SECRETARY OF STATE

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Terry Spieler

Jefferson City, MO

Dear Ms. Spieler:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 9th Senatorial District in the State of Missouri, on the 8th day of December, 1998, as provided by law, the following named person was elected to the office of State Senator, 9th Senatorial District (for the unexpired term) as shown by the election results certified to this office by the election authorities of the 9th Senatorial District.

Name Office

Mary Groves Bland State Senator

1632 Bushman Dr., Apt. 131 9th Senatorial District

Kansas City, MO 64110

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 21st day of December, 1998.

(Seal) Rebecca McDowell Cook

SECRETARY OF STATE

Also,

To the Honorable Senate of the Ninetieth General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, 1994, I have the honor to lay before you herewith a list of the names of the members of the Senate for the Ninetieth General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held in 1996; also a list of the names of the Senators elected at the General Election and Special Election held in 1998.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 4th day of January, 1999.

(Seal) Rebecca McDowell Cook

SECRETARY OF STATE

MISSOURI STATE SENATORS

ELECTED NOVEMBER 5, 1996

District Name

- 1st Anita T. Yeckel
- 3rd John E. Scott
- 5th J. B. (Jet) Banks
- 7th Francis E. Flotron, Jr.
- 9th (Vacancy due to resignation of Phil B. Curls, Sr.)
- 11th Ronnie DePasco
- 13th Wayne Goode
- 15th Walt Mueller
- 17th Edward E. Quick
- 19th Ken Jacob
- 21st James L. (Jim) Mathewson
- 23rd Steve Ehlmann
- 25th Jerry T. Howard
- 27th Peter Kinder
- 29th Doyle Childers
- 31st Harold L. Caskey
- 33rd John T. Russell

MISSOURI STATE SENATORS

ELECTED NOVEMBER 3, 1998

District Name

- 2nd Ted House
- 4th Wm. (Lacy) Clay, Jr.
- 6th Larry Rohrbach
- 8th Bill Kenney

- 10th Harry Wiggins
- 12th Sam Graves
- 14th John Schneider
- 16th Sarah Steelman
- 18th Joe Maxwell
- 20th Danny Staples
- 22nd Steve Stoll
- 24th Betty Sims
- 26th David J. Klarich
- 28th Morris Westfall
- 30th Roseann Bentley
- 32nd Marvin Singleton
- 34th Sidney Johnson

MISSOURI STATE SENATOR
ELECTED AT A SPECIAL ELECTION HELD ON DECEMBER 8, 1998
TO FILL THE VACANCY IN THE 9TH SENATORIAL DISTRICT
CREATED BY RESIGNATION OF PHIL B. CURLS, SR.

District Name

9th Mary Groves Bland

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Byron L. Kinder, Circuit Judge, Cole County.

On roll call the following Senators were present:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	Absent with leave--Senators--None		
	The Lieutenant Governor was present.		

Senator DePasco moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Wiggins nominated Senator Edward E. Quick for President Pro Tem.

Senator Scott seconded the nomination and moved that nominations cease.

Senator Quick was elected President Pro Tem by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Scott moved that the vote by which Senator Quick was elected President Pro Tem be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

Senator Quick was escorted to the dais by Senator DePasco and subscribed to the oath of office administered by the Honorable Judge Scott O. Wright, Federal District Judge of the Western District of Missouri.

President Pro Tem Quick assumed the dais and addressed the members of the Senate.

Missouri Senate

President Pro Tem

Edward E. Quick

Opening Address

January 6, 1999

Ladies and gentlemen, Lt. Governor Wilson, Judge Scott Wright, Judge Byron Kinder, distinguished guests, fellow Senators, friends and family

members... I would like to welcome each of you to the opening of the First Regular Session of the 90th Missouri General Assembly.

It gives me great pleasure to welcome back my old friends and colleagues... and to be joined by our new colleagues... Senator Mary Bland, Senator Steve Stoll and Senator Sarah Steelman... I know how special this day is for you.

I want to personally congratulate you... and ask my fellow Senators and everyone in the gallery to rise and join me in welcoming these three new members of the Missouri Senate.

This is also a very special day for me... Thank you for allowing me the opportunity... and the honor... of serving as your President Pro Tem.

At this time, I would like to introduce some people who mean a great deal to me... and I would like for them to stand.

My wife, Jane

My aunt, Nancy Swanson

My sister, Elsie Thompson

My son Brent, his wife Shari and my granddaughters, Katie and Tiffany

My son Mark, and his friend Michelle and my granddaughter, Morgan

My daughter Rebecca, her husband Mike and my grandson, Nathan and granddaughter, Marley

All the way from New York, my wife's parents, Ben and Muriel Sokobin, and my sister-in-law, Barbara Horowitz.

The Missouri Senate is an institution - - and a family - - which is rich with tradition and service to this state and its people.

It has been my privilege to serve the people of Missouri while in the Senate... And now, I consider it a great privilege to also SERVE the Senate.

During my 14 years here... I have had the good fortune to serve under the leadership of Senators who have led us in the direction of a better and brighter Missouri.

Using their leadership and hard work as my model... and in the tradition of service that is the trademark of the Missouri Senate... I would like to make my commitment to you... to be fair... to be honest... and most of all... to help create an atmosphere where listening and respecting one another takes priority.

This 34 member body... the Missouri Senate... comes together each year for the purpose of making Missouri a better place to live and do business.

Each Senator brings their own values... experiences... and points of view... That is the beauty of our system... We have representatives from all different segments of our society... and diverse areas of the state.

We meet on this common ground to do the very best we can... for the people who sent us here to represent them.

Each of us has had to travel on many different roads in order to be here today... These experiences have molded the foundations for our beliefs... our opinions... and how we are able to come together to solve problems.

I have traveled on a few roads myself... and frankly, I am overwhelmed right now... with my good fortune to be standing before you today.

I can remember in the winter of 1940... leaving Rich Hill, Mo., with my family... for a migrant tent camp in Bakersfield, California... I returned to Missouri one year later.

At the age of thirteen I was working in a coal mine in Higginsville... and at fifteen in a shoe factory... One year later I found myself making 100's of strawberry shortcakes at the Forum Cafeteria... Following in the footsteps of my childhood hero, my Uncle Marty... I enlisted in the Navy at seventeen... and was off to Korea.

In 1960, I had the opportunity to join the Kansas City, Missouri Fire Department... I can tell you that next to being a state Senator... being a firefighter was the proudest time of my life.

Politics was not something that I thought a lot about... and I certainly never thought about being an elected official... However, in 1975... I became

angry because I felt that my neighborhood... was being unfairly taxed for a road improvement.

So I ran for the Kansas City City Council... just to straighten a few things out... In 1984... I decided to run for the Missouri Senate... Here it is 1999... and I'm still trying to straighten out a few things.

I have always been grateful... for all the opportunities that this country has afforded me... And I thank God for the strength... and the ability... I was given and taught.

Because of my life experiences... I learned determination... desire... strength... compassion... and a stubbornness to make life better for myself and my family.

I am so fortunate to be able to work within these walls... and with all of you... to help make life better for all the people in the state of Missouri.

Today we begin the First Regular Session of the 90th Missouri General Assembly... It is the first of the last... This will be the first session of the last General Assembly of this century and this millennium.

1998 brought with it many disappointments and much pain to this country... However, in Missouri... it brought much to be proud of.

Together... we've accomplished so much!

Together... we've cut taxes... and improved services!

Together... we've provided the opportunity... to have health insurance... for over 90,000 children of working families!

Together... we've cracked down on drug dealers!

Together... we've helped families... by increasing tax deductions for dependents 300 percent!

Together... we've helped our older citizens... with their property taxes... and helped our youngest citizens... by establishing new early childhood education opportunities.

Together... we gave tax refunds to our citizens.

Each one of these accomplishments... started as a simple idea.

Almost every idea... is a good idea to someone... It is our responsibility to determine which ideas are best for everyone.

We had a great year last year... perhaps as good as any Senate... in this state's history.

But, I'll tell you right now, this Senate... will not rest on its accomplishments!

We face the future of this state... on behalf of the citizens who elected us... and gave us the honor of being here... We have work to do!

We must review the tobacco settlement... the largest civil action... in America's history.

We will have to work with the courts to determine... how much will be allowed to be used... to best benefit all Missourians.

We must work to improve... the opportunities our children have to learn... We must continue... to make educating the children of Missouri... our priority.

We face an ever-increasing burden... on our corrections system... If we are to continue... providing the citizens the protection they deserve... we must formulate a method of change.

One of our greatest responsibilities... is the spending of taxpayer dollars... The Appropriations Committee... and I... will be looking at new ways... to evaluate the allocation process of funding budget requests.

We will face no shortage of issues... in the session that begins today. From the salary commission to the transportation issue... from the deregulation of utilities to cutting taxes... a tremendous amount of work lies ahead.

As these issues... and many others... come before us... each of us approaching the issue from their own perspective and background... I know that

after all the yelling... and maybe even a few tears... we will be able to resolve these issues... with the same sense of fairness and respect we have shown in the past.

This has been a difficult... and painful time in our country... I ask myself... what can we learn from these tragic events that have created... an uncompromising... divisive... partisanship in our government?

Though all the answers to that question... are not apparent yet... I do know we MUST work toward healing our wounds... and return to our promise... of a truly representative democracy.

A democracy... that serves the best interests of its citizens... and not the interests of those that serve!

A few weeks ago... I read an inscription on a monument... dedicated to Samuel Gompers... the founder of the AFL-CIO... I believe the inscription reflects the views of Missouri citizens. It reads:

We want more schoolhouses... and less jails.

More books... and less guns.

More learning... and less vice.

More leisure... and less greed.

More justice... and less revenge.

We want more opportunities... to cultivate our better nature.

The elections are behind us... I challenge each one of you... to rise above the partisanship... We are the Missouri Senate! We MUST dedicate ourselves to the purpose for which we were elected.

Thank you.

President Wilson resumed the Chair.

Senator Quick nominated Terry L. Spieler for Secretary of the Senate.

No other nominations being made, Ms. Spieler was elected by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Quick nominated Lester Marcum for Sergeant-at-Arms.

No other nominations being made, Mr. Marcum was elected by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator Quick nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Terry Spieler, Lester Marcum and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by Judge Kinder.

Senator DePasco announced that photographers from Lincoln University Press had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator DePasco offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninetieth General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem Edward E. Quick

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Lester S. Marcum

Doorkeeper Ken Holman

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

Senator DePasco offered the following resolution, which was read:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred twenty-five dollars (\$825.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

Senator DePasco offered the following resolution, which was read:

SENATE RESOLUTION NO. 4

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator DePasco moved that the above resolution be adopted, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker Steve Gaw

Speaker Pro Tem Jim Kreider

Chief Clerk Anne C. Walker

Doorkeeper Carl Strader

Sergeant-at-Arms Ralph Robinett

Chaplain Fr. Hugh Behan

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninetieth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 13, 1999, to receive a message from His Honor Duane Benton, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninetieth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninetieth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 20, 1999, to receive a message from His Excellency, the Honorable Mel Carnahan, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the Ninetieth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

FIRST READING OF

PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 1994, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1-By Schneider.

An Act to repeal sections 57.130, 211.453, 211.477, 476.682 and 477.087, RSMo 1994, and sections 57.280, 105.464,

488.015, 506.363, 506.369, 506.372, 506.375 and 506.390, RSMo Supp. 1998, relating to the judiciary, and to enact in lieu thereof thirteen new sections relating to the same subject, with an expiration date for a certain section.

SB 2-By Schneider.

An Act to repeal sections 364.120, 365.140, 385.050, 408.083, 408.170 and 408.320, RSMo 1994, relating to prepayment of certain loans, and to enact six new sections relating to the same subject.

SB 3-By Schneider.

An Act to repeal sections 143.111 and 143.171, RSMo 1994, relating to certain income tax deductions, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

SB 4-By Wiggins.

An Act to repeal section 92.402, RSMo Supp. 1998, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 5-By Wiggins.

An Act to repeal sections 147.010, 147.020, 147.030, 147.050 and 147.070, RSMo 1994, relating to corporation franchise tax, and to enact in lieu thereof five new sections relating to the same subject.

SB 6-By Wiggins.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 7-By Banks.

An Act to repeal sections 208.530 and 208.535, RSMo 1994, and section 208.533, RSMo Supp. 1998, relating to the special health, psychological, and social needs of minority older individuals, and to enact in lieu thereof three new sections relating to the same subject.

SB 8-By Banks.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of hepatitis C education programs.

SB 9-By Banks.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the use of credit history for insurance purposes.

SB 10-By Scott.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Mark McGwire Highway.

SB 11-By Russell.

An Act to repeal section 478.705, RSMo 1994, relating to judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

SB 12-By Russell.

An Act to amend chapter 209, RSMo, relating to aid to the blind, by adding thereto one new section relating to guide dog trainers.

SB 13-By Russell.

An Act to repeal sections 135.357 and 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 14-By Mathewson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

SB 15- By Mathewson.

An Act to repeal section 650.005, RSMo Supp. 1998, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

SB 16-By Mathewson, Flotron and Klarich.

An Act relating to tax relief for expenditures of small businesses for ADA improvements, with an effective date.

SB 17-By Staples.

An Act to repeal section 304.170, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 18-By Goode, Bentley, Yeckel and Kinder.

An Act to repeal sections 302.302, 302.304, 302.309, 302.505, 302.541 and 302.545, RSMo Supp. 1998, relating to driving with excessive blood alcohol content, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 19-By Goode.

An Act to repeal sections 303.041 and 303.043, RSMo 1994, and sections 302.302, 303.024, 303.025 and 303.026, RSMo Supp. 1998, relating to financial responsibility for motor vehicles, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions and an effective date.

SB 20-By Goode, Yeckel and Sims.

An Act to amend chapter 67, RSMo, by adding thereto twenty-two new sections relating to community improvement.

SB 21-By Flotron.

An Act to repeal section 136.300, RSMo 1994, relating to the burden of proof in state tax cases, and enact in lieu thereof two new sections relating to the same subject.

SB 22-By Flotron.

An Act to repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1998, relating to the adoption of special needs children, and to enact in lieu thereof three new sections relating to the same subject.

SB 23-By Flotron.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 24-By Singleton.

An Act to repeal section 52.320, RSMo 1994, and section 52.269, RSMo Supp. 1998, relating to county collectors in certain class counties, and to enact in lieu thereof two new sections relating to the same subject.

SB 25-By Singleton and Schneider.

An Act to repeal section 194.117, RSMo 1994, relating to sudden infant death syndrome, and to enact in lieu thereof one new section relating to the same subject.

SB 26-By Singleton.

An Act to repeal section 106.270, RSMo 1994, relating to county officials, and to enact in lieu thereof one new section relating to the same subject.

SB 27-By Mueller.

An Act to repeal section 115.507, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 28-By Mueller.

An Act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 29-By Mueller.

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 30-By Howard.

An Act to repeal section 278.080, RSMo Supp. 1998, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1998, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 31-By Howard.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to investigations by the ethics commission, with an emergency clause.

SB 32-By Howard.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to notification of unemployment benefit eligibility by certain employers.

SB 33-By Johnson.

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 34-By Johnson.

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 35-By Johnson.

An Act to repeal section 92.336, RSMo 1994, relating to the Kansas City convention and tourism tax, and to enact in lieu thereof one new section relating to the same subject.

SB 36-By Rohrbach.

An Act to amend chapter 221, RSMo, by adding one new section relating to the operation of private jails for profit.

SB 37-By Rohrbach.

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof eight new sections relating to the same subject.

SB 38-By Rohrbach.

An Act to repeal section 64.180, RSMo 1994, relating to building codes in certain counties, and to enact in lieu thereof one new section relating to the same subject.

SB 39-By Clay.

An Act to repeal sections 565.020 and 565.030, RSMo 1994, relating to certain crimes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 40-By Clay.

An Act to repeal section 170.011, RSMo 1994, relating to instruction on the history of civil rights issues, and to enact in lieu thereof one new section relating to the same subject.

SB 41-By Clay.

An Act to repeal section 175.021, RSMo 1994, and section 175.020, RSMo Supp. 1998, relating to Lincoln University, and to enact in lieu thereof two new sections relating to the same subject.

SB 42-By Ehlmann.

An Act to repeal sections 67.619, 92.120, 94.510 and 509.290, RSMo 1994, and sections 99.805 and 253.550, RSMo Supp. 1998, relating to revitalization of St. Louis city, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

SB 43-By Ehlmann.

An Act to repeal sections 33.752, 33.756, 67.653, 70.379, 92.418, 92.421, 166.203, 194.409, 226.900, 226.905, 226.907, 226.910, 238.305, 313.255, 313.270, 376.961, 536.018 and 620.605, RSMo 1994, and sections 33.753, 161.415, 640.240 and 643.310, RSMo Supp. 1998, and to enact in lieu thereof sixteen new sections relating to racial preferences by state and local governments.

SB 44-By Ehlmann.

An Act to amend chapter 208, RSMo, by adding thereto fifteen new sections relating to a community partnership program.

SB 45-By Kinder, Steelman, Klarich, Flotron, Yeckel, Russell, Childers, Singleton, Graves, Rohrbach, Mueller, Westfall, Kenney and Bentley.

An Act to repeal sections 188.015, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof three new sections relating to banning certain forms of infanticide, including infanticide by partial birth abortion, with penalty provisions.

SB 46-By Maxwell.

An Act to repeal sections 537.610 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof three new sections relating to the same subject.

SB 47-By Maxwell.

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 48-By Maxwell.

An Act to repeal sections 103.005 and 103.036, RSMo 1994, and section 103.003, RSMo Supp. 1998, and to enact in lieu thereof four new sections relating to health insurance for small employers, with an effective date.

SB 49-By Westfall.

An Act to repeal sections 302.302, 302.505, 302.510, 302.520, 302.541, 577.012 and 577.037, RSMo Supp. 1998, relating to alcohol-related traffic offenses, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 50-By Westfall.

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

SB 51-By Westfall.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

SB 52-By Klarich and Flotron.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 53-By Klarich.

An Act to repeal section 137.073, RSMo Supp. 1998, relating to property taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 54-By Graves.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to authorized work programs for inmates.

SB 55-By Graves.

An Act to repeal section 565.024, RSMo 1994, relating to the crime of involuntary manslaughter, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 56-By Graves.

An Act to repeal sections 307.353, 307.355, 307.360, 307.365, 307.390, 643.315, 643.320 and 643.350, RSMo 1994, and sections 307.350, 307.366, 307.375 and 643.310, RSMo Supp. 1998, relating to inspections of motor vehicles, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 57-By Kenney.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of individual federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 58-By Kenney.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of corporate federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 59-By Kenney.

An Act to repeal section 165.011, RSMo Supp. 1998, relating to funds for public school capital projects, and to enact in lieu thereof one new section relating to the same subject.

SB 60-By Bentley.

An Act to repeal sections 135.015 and 135.020, RSMo 1994, and sections 135.010 and 135.030, RSMo Supp. 1998, relating to tax relief for senior citizens, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 61-By Bentley.

An Act to repeal section 226.535, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

SB 62-By Bentley.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to motor vehicles.

SB 63-By Sims, Kinder, Flotron, Yeckel and Singleton.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 64-By Sims, Flotron and Yeckel.

An Act to repeal section 137.115, RSMo Supp. 1998, relating to assessment and levy of property taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 65-By Sims, Flotron, Yeckel and Singleton.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 66-By Childers.

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to rights of crime victims.

SB 67-By Childers.

An Act to repeal sections 115.357, 386.050, 386.120 and 386.150, RSMo 1994, and section 386.110, RSMo Supp.

1998, relating to the public service commission, and to enact in lieu thereof five new sections relating to the same subject.

SB 68-By Childers.

An Act to amend chapter 320, RSMo, by adding thereto one new section relating to income tax credits for dry fire hydrants.

SB 69-By Steelman.

An Act to repeal sections 135.015 and 135.020, RSMo 1994, and sections 135.010 and 135.030, RSMo Supp. 1998, relating to tax relief for senior citizens, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 70-By Schneider.

An Act to repeal section 407.820, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof one new section relating to the same subject.

SB 71-By Schneider.

An Act to repeal sections 88.013 and 88.023, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 72-By Schneider.

An Act to repeal sections 88.050 and 523.070, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 73-By Wiggins.

An Act to repeal section 494.425, RSMo 1994, relating to jury service, and to enact in lieu thereof one new section relating to the same subject.

SB 74-By Wiggins, DePasco, Scott and Schneider.

An Act to repeal section 143.111, RSMo 1994, relating to income taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 75-By Wiggins.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to an exemption from sales and use tax of broadcast equipment.

SB 76-By Banks.

An Act to repeal sections 92.715, 140.100 and 141.830, RSMo 1994, relating to the collection of delinquent taxes, and to enact in lieu thereof three new sections relating to the same subject.

SB 77-Withdrawn.

SB 78-By Russell.

An Act to repeal supreme court rule 5.29, relating to the unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 79-By Russell.

An Act relating to school attendance.

SB 80-By Russell.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 81-By Mathewson.

An Act to repeal section 311.485, RSMo Supp. 1998, relating to temporary permits for liquor by the drink, and to enact in lieu thereof one new section relating to the same subject.

SB 82-By Goode, Schneider, Yeckel and Scott.

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to water service lines in certain counties, with an emergency clause.

SB 83-By Goode.

An Act to repeal section 67.1071, RSMo 1994, relating to the homeless, and to enact in lieu thereof one new section relating to the same subject.

SB 84-By Goode and Johnson.

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1998, relating to the removal of abandoned property, and to enact in lieu thereof five new sections relating to the same subject.

SB 85-By Flotron.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to certain campaign contribution limits.

SB 86-By Singleton.

An Act to repeal section 516.010, RSMo 1994, relating to ownership of real property, and to enact in lieu thereof one new section relating to the same subject.

SB 87-By Singleton.

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of a shooting, with penalty provisions.

SB 88-By Singleton.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to elections.

SB 89-By Mueller.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

SB 90-By Johnson.

An Act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new

section relating to the same subject.

SB 91-By Rohrbach.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the personal records of state employees.

SB 92-By Ehlmann.

An Act to repeal section 536.031, RSMo 1994, relating to administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

SB 93-By Ehlmann.

An Act to repeal section 27.060, RSMo 1994, relating to the powers of the attorney general, and to enact in lieu thereof one new section relating to the same subject.

SB 94-By Ehlmann.

An Act to repeal section 570.020, RSMo 1994, relating to the felony limit for certain crimes, and to enact in lieu thereof one new section relating to the same subject.

SB 95-By Maxwell.

An Act to repeal section 413.225, RSMo Supp. 1998, relating to weights and measures, and to enact in lieu thereof one new section relating to the same subject.

SB 96-Withdrawn.

SB 97-By Maxwell.

An Act to amend chapter 620, RSMo, by adding thereto seven new sections for the purpose of establishing the individual development account program.

SB 98-By Kenney.

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110 and 421.120, RSMo 1994, relating to the regulation of the sale of bedding, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 99-By Kenney.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 100-By Kenney.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to the crime of identity theft, with penalty provisions.

SB 101-By Bentley.

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

SB 102-By Bentley.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to intoxicating liquor, with penalty provisions.

SB 103-By Bentley.

An Act to amend chapter 324, RSMo, by adding thereto twelve new sections relating to the regulation of certain medical personnel, with penalty provisions.

SB 104-By Sims, Flotron and Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for certain property taxes.

SB 105-By Sims and Yeckel.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

SB 106-By Sims.

An Act to amend chapter 300, RSMo, by adding thereto one new section relating to local traffic ordinances.

SB 107-By Childers.

An Act to repeal section 143.124, RSMo Supp. 1998, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 108-By Childers and Westfall.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the prevailing wage.

SB 109-By Childers.

An Act to amend chapter 215, RSMo, by adding thereto five new sections relating to a rural housing development program.

SB 110-By Schneider.

An Act to repeal section 287.210, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 111-By Schneider.

An Act to repeal section 287.160, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 112-By Schneider.

An Act to repeal section 528.620, RSMo 1994, relating to partition suits, and to enact in lieu thereof one new section relating to the same subject.

SB 113-By Wiggins.

An Act to repeal section 537.037, RSMo 1994, relating to civil liability for emergency care, and to enact in lieu thereof one new section relating to the same subject.

SB 114-By Russell.

An Act to repeal section 589.400, RSMo Supp. 1998, relating to the registration of certain offenders, and to enact in lieu thereof one new section relating to the same subject.

SB 115-By Russell.

An Act to repeal section 301.441, RSMo Supp. 1998, relating to licensing of motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 116-By Russell.

An Act relating to the administrative hearing commission by adding thereto one new section relating to the same subject.

SB 117-By Goode.

An Act to repeal section 144.025, RSMo Supp. 1998, relating to sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 118-By Goode.

An Act to repeal sections 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, and section 643.310, RSMo Supp. 1998, relating to motor vehicle emissions, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 119-By Goode.

An Act to repeal section 302.177, RSMo 1994, and section 302.181, RSMo Supp. 1998, relating to nondrivers' licenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 120-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 121-By Singleton.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to unsolicited consumer telephone calls, with penalty provisions.

SB 122-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 123-By Ehlmann.

An Act to repeal sections 305.510 and 305.515, RSMo 1994, relating to the Missouri-St. Louis Metropolitan Airport Authority, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 124-By Sims.

An Act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

SB 125-By Childers.

An Act to repeal section 21.183, RSMo 1994, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

SB 126-By Childers.

An Act to repeal section 346.110, RSMo Supp. 1998, relating to the purchase of hearing aids through the mail without prior fitting, and to enact in lieu thereof one new section relating to the same subject.

SB 127-By Childers.

An Act to amend chapter 700, RSMo, by adding one new section relating to bonding requirements for manufactured home dealers and manufacturers.

SB 128-By Schneider.

An Act to repeal section 105.464, RSMo 1994, relating to conflicts of interest of the judiciary, and to enact in lieu thereof one new section relating to the same subject.

SB 129-By Schneider.

An Act to repeal sections 478.320 and 478.437, RSMo 1994, relating to judges in certain judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

SB 130-By Schneider.

An Act to repeal sections 211.453 and 211.477, RSMo 1994, relating to parental rights, and to enact in lieu thereof two new sections relating to the same subject.

SB 131-By Russell.

An Act to repeal section 210.150, RSMo Supp. 1998, relating to child abuse records and reports, and to enact in lieu thereof one new section relating to the same subject.

SB 132-By Russell.

An Act to repeal sections 32.090 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

SB 133-By Russell.

An Act relating to immunity from civil liability for certain persons.

SB 134-By Goode.

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 1994, relating to underground facility safety and damage prevention, and to enact in lieu thereof ten new sections relating to the same subject, with a termination date for certain sections.

SB 135-By Goode.

An Act to repeal section 302.309, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 136-By Goode.

An Act to repeal sections 8.250 and 8.294, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to contracts for state construction projects, with an effective date.

SB 137-By Childers.

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

SB 138-By Childers.

An Act to amend chapter 376, RSMo, by adding one new section relating to the physicians' and medical departments' duty to inform candidates for breast implants of the advantages and risks of the surgery.

SB 139-By Childers.

An Act to repeal section 48.053, RSMo 1994, relating to elections of certain county treasurers, and to enact in lieu thereof one new section relating to the same subject.

SB 140-By Schneider.

An Act to repeal section 476.690, RSMo Supp. 1998, relating to judicial retirement, and to enact in lieu thereof one new section relating to the same subject.

SB 141-By Schneider.

An Act to repeal section 516.105, RSMo 1994, relating to statutes of limitations, and to enact in lieu thereof one new section relating to the same subject.

SB 142-By Schneider.

An Act to repeal sections 476.681 and 476.682, RSMo 1994, relating to the retirement of judges, and to enact in lieu thereof two new sections relating to the same subject.

SB 143-By Russell.

An Act to repeal section 494.430, RSMo 1994, relating to persons entitled to be excused from jury duty, and to enact in lieu thereof one new section relating to the same subject.

SB 144-By Russell.

An Act to repeal section 302.060, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 145-By Russell.

An Act relating to property insurance.

SB 146-By Goode.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income taxation.

SB 147-By Goode.

An Act to repeal section 137.080, RSMo 1994, and section 137.115, RSMo Supp. 1998, relating to personal property taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 148-By Childers.

An Act to repeal section 174.500, RSMo 1994, relating to the West Plains Campus of Southwest Missouri State

University, and to enact in lieu thereof one new section relating to the same subject.

SB 149-By Childers.

An Act to repeal section 301.301, RSMo Supp. 1998, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

SB 150-By Childers.

An Act to repeal section 210.516, RSMo 1994, relating to child care providers, and to enact in lieu thereof one new section relating to the same subject.

SB 151-By Childers.

An Act to repeal section 207.020, RSMo 1994, relating to child care and placement, and to enact in lieu thereof one new section relating to the same subject.

SB 152-By Childers.

An Act to repeal section 226.955, RSMo Supp. 1998, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof one new section relating to the same subject.

SB 153-By Childers.

An Act to repeal section 70.322, RSMo 1994, relating to contracting with road districts, and to enact in lieu thereof one new section relating to the same subject.

SB 154-By Childers.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 155-By Kinder.

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

SB 156-By Schneider, DePasco, Clay and Banks.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof eight new sections relating to good faith employee negotiations, with penalty provisions.

SB 157-By Flotron and Kenney.

An Act relating to certain tobacco manufacturers.

SB 158-By Singleton and Schneider.

An Act to repeal section 191.659, RSMo 1994, and section 191.663, RSMo Supp. 1998, relating to certain medical conditions, and to enact in lieu thereof two new sections relating to the same subject.

SB 159-By House.

An Act to repeal section 135.600, RSMo Supp. 1998, relating to tax credit for contributions to maternity homes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 160-By Maxwell.

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to the issuance of bonds for water pollution and stormwater control.

SB 161-By Maxwell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

SB 162-By Maxwell.

An Act to repeal section 147.010, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 163-By House.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to sexual education in public schools.

SB 164-By Kenney.

An Act to repeal section 302.321, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

SB 165-By Steelman.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to general assembly retirement.

SB 166-By Kinder.

An Act to repeal section 311.095, RSMo Supp. 1998, relating to the sale of liquor, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 167-By Westfall.

An Act to repeal section 577.017, RSMo 1994, and section 577.023, RSMo Supp. 1998, relating to alcohol-related traffic offenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 168-By Ehlmann.

An Act to repeal sections 313.812 and 313.815, RSMo 1994, and section 130.031, RSMo Supp. 1998, and to enact in lieu thereof four new sections relating to excursion gambling boats.

SB 169-By Maxwell.

An Act to repeal section 42.105, RSMo 1994, relating to the national guard, and to enact in lieu thereof one new section relating to the same subject.

SB 170-By Schneider.

An Act to repeal section 448.2-117, RSMo 1994, relating to condominium property, and to enact in lieu thereof one new section relating to the same subject.

SB 171-By Maxwell.

An Act to amend chapter 431, RSMo, and chapter 610, RSMo, by adding thereto two new sections relating to the disclosure of certain health care information.

SB 172-By Goode.

An Act to repeal section 386.570, RSMo 1994, relating to the public service commission, and to enact in lieu thereof one new section relating to the same subject.

SB 173-By Jacob.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the department of health.

SB 174-By Quick.

An Act to repeal section 301.130, as it passed in senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 301.130, as it passed in senate bill no. 70 of the first regular session of the eighty-eighth general assembly, relating to license tabs, and to enact in lieu thereof one new section relating to the same subject.

SB 175-By Rohrbach.

An Act to repeal section 443.851, RSMo Supp. 1998, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

SB 176-By Rohrbach.

An Act to repeal section 536.016, RSMo Supp. 1998, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

SB 177-By DePasco.

An Act to repeal section 556.061, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject.

SB 178-By Maxwell.

An Act to repeal section E, Proposition A, adopted by the registered voters of the State of Missouri on November 3, 1998, and to enact in lieu thereof one new section, for the sole purpose of correcting technical errors in the drafting of section E, with an emergency clause.

SB 179-By Goode.

An Act to amend chapters 8 and 327, RSMo, by adding thereto eleven new sections relating to the procurement of services for state construction projects.

SB 180-By Johnson.

An Act to repeal section 169.670, RSMo Supp. 1998, as enacted by house substitute for house committee substitute for senate committee substitute for senate bill no. 501 of the eighty-ninth general assembly, second regular session and section 169.070, RSMo Supp. 1998, as enacted by senate bill no. 733 of the eighty-ninth general assembly, second regular session, relating to public school retirement systems, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 181-By Maxwell.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for cancer early detection.

SB 182-By Westfall.

An Act to repeal section 301.142, RSMo Supp. 1998, relating to license plates for the physically disabled, and to enact

in lieu thereof one new section relating to the same subject.

SB 183-By Staples.

An Act to repeal section 478.690, RSMo 1994, relating to the number of associate circuit judges, and to enact in lieu thereof one new section relating to the same subject.

SB 184-By Staples.

An Act to repeal section 186.060, RSMo Supp. 1998, relating to the Missouri humanities council, and to enact in lieu thereof one new section relating to the same subject.

SB 185-By Goode.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof eleven new sections relating to good faith employee negotiations, with penalty provisions.

SB 186-By Kenney.

An Act to repeal section 160.518, RSMo 1994, relating to academic assessments, and to enact in lieu thereof one new section relating to the same subject.

SB 187-By Kenney.

An Act to repeal section 167.151, RSMo 1994, relating to payment of school tuition, and to enact in lieu thereof one new section relating to the same subject.

SB 188-By House.

An Act to repeal sections 442.090, 442.095 and 442.100, RSMo 1994, relating to veterans, and to enact in lieu thereof three new sections relating to the same subject.

SB 189-By House.

An Act to repeal sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children and minors.

SB 190-By House.

An Act to repeal section 143.011, RSMo 1994, and to enact in lieu thereof one new section relating to the reduction of individual income tax rates for Missouri residents.

SB 191-By House.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to limiting certain state requirements for employment.

SB 192-By Wiggins.

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

SB 193-By Wiggins.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to sales tax for flood relief projects,

with an emergency clause.

SB 194-By Singleton.

An Act to repeal section 165.011, RSMo Supp. 1998, relating to transfers of school funds, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 195-By Rohrbach.

An Act to repeal sections 444.784 and 643.055, RSMo 1994, sections 260.225, 260.370, 444.380 and 644.026, RSMo Supp. 1998, and section 319.137 as enacted by senate bill no. 3 and by house bill no. 251, first regular session of the eighty-eighth general assembly, relating to environmental protection, and to enact in lieu thereof seven new sections relating to the same subject.

SB 196-By DePasco.

An Act to repeal sections 86.450 and 86.457, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 197-By DePasco.

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.447, 86.620 and 86.672, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof nine new sections relating to the same subject.

SB 198-By House.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to pornography and related offenses.

SB 199-By Scott.

An Act to repeal section 523.040, RSMo 1994, relating to condemnation proceedings, and to enact in lieu thereof one new section relating to the same subject.

SB 200-By Rohrbach.

An Act to repeal sections A, B and E, Proposition A, adopted by the registered voters of the State of Missouri on November 3, 1998, and to enact in lieu thereof three new sections relating to animal baiting, with penalty provisions.

SB 201-By Childers.

An Act to repeal section 91.030, RSMo 1994, relating to municipal owned utilities, and to enact in lieu thereof one new section relating to the same subject.

SB 202-By Childers.

An Act to repeal section 171.031, RSMo 1994, relating to school operations, and to enact in lieu thereof one new section relating to the same subject.

SB 203-By Wiggins.

An Act to repeal section 213.111, RSMo Supp. 1998, relating to certain civil actions for discrimination, and to enact in lieu thereof one new section relating to the same subject.

SB 204-By Rohrbach.

An Act to repeal section 306.016, RSMo Supp. 1998, relating to watercraft, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 205-By Westfall and Staples.

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof six new sections relating to the same subject.

SB 206-By Childers.

An Act to amend chapter 210, RSMo, by adding thereto one new section establishing a community child care program.

SJR 1-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

SJR 2-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article V of the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

SJR 3-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials, and adopting one new section in lieu thereof relating to the same subject.

SJR 4-By Banks.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to senior citizens tax relief, and adopting one new section in lieu thereof relating to the same subject.

SJR 5-By Goode, Kenney, Kinder and Singleton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

SJR 6-By Goode, Kenney, Bentley and Singleton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri relating to education, and adopting three new sections in lieu thereof relating to the same subject.

SJR 7-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the constitution of Missouri relating to property exempt from taxation, and adopting one new section in lieu thereof relating to the same subject.

SJR 8-By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article X of the Constitution of Missouri relating to state revenues, and adopting one new section in lieu thereof relating to the same

subject.

SJR 9-By Klarich, Flotron, Singleton, Graves, Yeckel and Kenney.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to Article X of the Constitution of Missouri relating to disposition of funds received as a result of certain legal settlements.

SJR 10-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26 (b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

SJR 11-Goode and Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri relating to personal property taxation.

SJR 12-By Kinder and Steelman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to the bill of rights, by adding thereto two new sections relating to the same subject.

SJR 13-By Ehlmann.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article I of the Constitution of Missouri relating to the establishment of religion, and adopting one new section in lieu thereof relating to the same subject.

SJR 14-By House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the constitution of Missouri relating to property exempt from taxation, and adopting one new section in lieu thereof relating to the same subject.

SJR 15-By Klarich.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 22 of article X of the Constitution of Missouri relating to property taxation, and adopting one new section in lieu thereof relating to the same subject.

SJR 16-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri relating to education, and adopting one new section in lieu thereof relating to the same subject.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 207-By Klarich and Wiggins.

An Act to repeal section 195.509, RSMo 1994, relating to public safety, and to enact in lieu thereof one new section relating to the same subject.

SB 208-By House.

An Act to repeal sections 160.545, 161.097, 173.005 and 173.210, RSMo 1994, relating to higher education, and to enact in lieu thereof seven new sections relating to the same subject.

SB 209-By Goode, Mathewson, Childers, Flotron, Schneider, Clay and Kinder.

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

SB 210-By Howard.

An Act to repeal section 65.110, RSMo 1994, relating to certain county officials, and to enact in lieu thereof one new section relating to the same subject.

SB 211-By Howard.

An Act to repeal sections 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact in lieu thereof two new sections relating to the same subject.

SB 212-By Jacob.

An Act to repeal sections 57.010, 590.130, 590.170 and 590.175, RSMo 1994, relating to sheriffs' qualifications, and to enact in lieu thereof two new sections relating to the same subject.

SB 213-By Scott.

An Act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

SB 214-By Mathewson.

An Act to repeal section 79.280, RSMo 1994, relating to certain fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

SB 215-By Mathewson.

An Act to repeal sections 103.083 and 103.130, RSMo 1994, relating to the health plan for state employees, and to enact in lieu thereof two new sections relating to the same subject.

SJR 17-By Mueller.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri relating to taxation, and adopting two new sections in lieu thereof relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 17, 1998, while the Senate was not in session.

Daniel J. Abbott, 10125 Zenith Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 4, 1998, while the Senate was not in session.

Janet B. Anderson, R.N., 2101 Oaklawn, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2002, and until her successor is duly appointed and qualified; vice, Katherine J. Smolik, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1998, while the Senate was not in session.

Arthur A. Bante, 1917 Brookgreen Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri State Board of Nursing, for a term ending August 13, 2000, and until his successor is duly appointed and qualified; vice, Laura L. Murphy-Dellos, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 21, 1998, while the Senate was not in session.

Rodney L. Beard, D.D.S., 1499 Hemlock Court, Liberty, Clay County, Missouri 64068, as a member of the Missouri Dental Board, for a term ending October 16, 2003, and until his successor is duly appointed and qualified; vice, Charles D. Fuszner, D.M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Daniel J. Betzler, 804 Bitterfield Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the State Board of Certification of Interpreters, for a term ending June 27, 2001, and until his successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

John A. Birch, 10106 Northwest 72nd Street, Weatherby Lake, Platte County, Missouri 64152, as Chairman of the State Board of Mediation, for a term ending October 25, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

Edward H. Bliefnick, 519 Northeast Timbercreek, Lee's Summit, Jackson County, Missouri 64086, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2000, and until his successor is duly appointed and qualified; vice, Gary Phillips, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 4, 1998, while the Senate was not in session.

Linda R. Bohrer, 423 Van Horn Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1999, and until her successor is duly appointed and qualified; vice, Lea Levee, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 17, 1998, while the Senate was not in session.

Leslie F. Bond, Sr., M.D., 5583 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2001, and until his successor is duly appointed and qualified; vice, Ann-Marie Clarke, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 17, 1998, while the Senate was not in session.

John M. Boyer, Republican, 24 Hickory Street, Post Office Box 73, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Cynthia N. Brookshire, 802 South Farm Road, Springfield, Greene County, Missouri 65803, as a member of the Missouri Board of Geologist Registration, for a term ending April 11, 2001, and until her successor is duly appointed and qualified; vice, John D. Rockaway, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Dan W. Brown, D.V.M., Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Aurita Prince Caldwell, 724 Scott Station Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Elizabeth Potter, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Terry Edward Carlisle, 10294 David Allen Road, Columbia, Boone County, Missouri 65201, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 4, 1998, while the Senate was not in session.

Linda L. Cartwright, Democrat, 908 Lamplight Lane, Hazelwood, St. Louis County, Missouri 63042, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2001, and until her successor is duly appointed and qualified; vice, Tracy G. Spencer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Juanita Chambers, 1616 Preservation Place, St. Louis City, Missouri 63106, as a member of the Minority Environmental Literacy Advisory Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Ingrid St. Omer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Edna L. Chavis, 2223 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Anne Deaton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 12, 1998, while the Senate was not in session.

David A. Childers, Democrat, 6006 North 27th Street, Ozark, Christian County, Missouri 65721, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Thomas Burkemper, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1998, while the Senate was not in session.

Norma B. Clayton, Democrat, 704 Muirkirk, Manchester, St. Louis County, Missouri 63011, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, Danielle Kaye, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Charlotte L. Connell, 707 North Third Street, Independence, Jackson County, Missouri 64050, as a member of the Board of Hearing Instrument Specialists, for a term ending August 16, 2001, and until her successor is duly appointed and qualified; vice, Shirley M. Horacek, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Dennis M. Cory, 850 Melton Avenue, Ozark, Christian County, Missouri 65721, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending February 2, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

Carol Jo Cummings, 3501 Pickett Road, St. Joseph, Buchanan County, Missouri 64503, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Betty Lou Cunningham, Republican, 411 11th Street, Crystal City, Jefferson County, Missouri 63019, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 4, 1998, while the Senate was not in session.

Thomas C. Cusak, 1345 Crest Drive, Joplin, Jasper County, Missouri 64801, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2003, and until his successor is duly appointed and qualified; vice, Leslie A. Small, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Marilyn E. Daffer, Democrat, 1405 South 25th Street, Blue Springs, Jackson County, Missouri 64015, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, RSMo 26.607. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

Deborah A. Depew, D.O., Republican, 7614 Spanish Claim Road, Sullivan, Franklin County, Missouri 63080, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

John E. Dial, 1307 Lexington Street, Mexico, Audrain County, Missouri 65205, as a public member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, William Mann, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Dallas G. Dickens, 129 Pershing, Post Office Box 135, Branson, Taney County, Missouri 65615, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 7, 1998, while the Senate was not in session.

Cheryl Kay Dolan, Democrat, 718 B Cedar Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the Consolidated Health Care Plan, Board of Trustees, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Jeff Hancock, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Thomas J. Downey, 2103 West Main, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 21, 1998, while the Senate was not in session.

Joseph L. Driskill, 109 Monterey Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Michael Dunlap, M.D., 504 North Leonard Road, St. Joseph, Buchanan County, Missouri 64506, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 15, 1998, while the Senate was not in session.

Barbara J. Dunning, 4636 Hillsboro Road, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Board of Pharmacy, for a term ending October 29, 2003, and until her successor is duly appointed and qualified; vice, Sharlea M. Leatherwood, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

George Eberle, Jr., 1444 Sullivan, St. Louis City, Missouri 63107, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 21, 1998, while the Senate was not in session.

Dennis C. Eckold, 4812 Northwest 79th Street, Kansas City, Platte County, Missouri 64151, as a member of the Board of Police Commissioners for Kansas City, for a term ending March 7, 2002, and until his successor is duly appointed and qualified; vice, James F. Ralls, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1998, while the Senate was not in session.

Sharon H. Edison, CPA, 844 Vista Pointe Drive, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri State Board of Accountancy, for a term ending August 13, 2003, and until her successor is duly appointed and qualified; vice, Carol S. DeHaven, CPA, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Anthony G. Ell, Democrat, 4540 South Ridgeway Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2001, and until his successor is duly appointed and qualified; vice, Ronald Henderson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Melinda Kaye Elmore, 13001 Joy Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, John Solomon, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Claudetta Y. Feemster, Republican, 9957 Norbridge, St. Louis, St. Louis County, Missouri 63137, as a public member of the State Committee of Marital and Family Therapists, for a term ending January 26, 1999, and until her successor is duly appointed and qualified; vice, Susan Nichols, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1998, while the Senate was not in session.

Jonathan D. Finck, 17079 Audrain Road 929, Mexico, Audrain County, Missouri 65265, as a member of the State Committee for Social Workers, for a term ending October 23, 2002, and until his successor is duly appointed and qualified; vice, Joanne Mermelstein, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Melodie A. Friedebach, 814 Cari Ann Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Walter L. Friedhofen, Republican, 1162 South Roanoke Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until his successor is duly appointed and qualified; vice, Pat Hoskins, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

Dale L. Gibson, Ph.D., 35 Country Club Grounds, Washington, Franklin County, Missouri 63090, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, Dr. Stephen M. Poort, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 4, 1998, while the Senate was not in session.

William G. Gillespie, Independent, 7328 Ravinia Drive, Pasadena Hills, St. Louis County, Missouri 63121, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1998, while the Senate was not in session.

Jerome E. Glick, 301 North Forsyth, Clayton, St. Louis County, Missouri 63105, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Fred W. Grayson, 2814 Park Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

Jeanette E. Griffin, 4500 South Lone Pine, Springfield, Greene County, Missouri 65804, as a public member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Benjamin Dennison, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Barbara Gulick, 7936 North Anita Drive, Kansas City, Platte County, Missouri 65151, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 650.330

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 23, 1998, while the Senate was not in session.

Sherry Hale, Route 9, Box 160 A, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, Pam Lenox, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1998, while the Senate was not in session.

Christine E. Hancock, 1506 Bent Oak Ridge Drive, Fenton, Jefferson County, Missouri 63026, as a member of the State Board of Cosmetology, for a term ending October 13, 2001, and until her successor is duly appointed and qualified; vice, Patricia Gadell, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 23, 1998, while the Senate was not in session.

Lynn A. Harmon, 704 West Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Board of Trustees of the Public School Retirement System of Missouri, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, Robert E. Bartman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1998, while the Senate was not in session.

Richard S. Hendin, 719 Woodridge Heights Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, Kathleen Holt Whyte, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Linda Hickam-Fountain, D.V.M., Democrat, 14042 Highway FF, Thompson, Audrain County, Missouri 65285, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Charlotte S. Hill, 446 West 56th Street, Kansas City, Jackson County, Missouri 64113, as a public member of the State Board of Chiropractic Examiners, for a term ending August 18, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 23, 1998, while the Senate was not in session.

Judith Sutter Hinrichs, Republican, 24 Enfield Road, St. Louis, St. Louis County, Missouri 63132, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 1999, and until her successor is duly appointed and qualified; vice, Diane Marie Baker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Lisa E. Hosey, 6260 North Lakeshore Drive, House Springs, Jefferson County, Missouri 63051, as a member of the Board of Geologist Registration, for a term ending April 11, 2001, and until her successor is duly appointed and qualified; vice, Kathleen Moldthan, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

John T. Howard, 2877 Woodbury Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Missouri Board of Geologist Registration, for a term ending April 11, 2001, and until his successor is duly appointed and qualified; vice, Ann Hagni, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Mary Marjorie Hughes, Route 2, Box 126, Higginsville, Lafayette County, Missouri 64037, as a public member of the State Board of Podiatric Medicine, for a term ending August 16, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

James D. Jackson, 316 South Institute Street, Richmond, Ray County, Missouri 64085, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1998, while the Senate was not in session.

James N. "Jim" Jackson, 824 Laurel Avenue, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, Marvin Fielding, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1998, while the Senate was not in session.

Deborah Ann Jantsch, M.D., Democrat, 5851 Wornall, Kansas City, Jackson County, Missouri 64113, as a member of the State Board of Health, for a term ending October 13, 2001, and until her successor is duly appointed and qualified; vice, Robert A. Morantz, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 11, 1998, while the Senate was not in session.

Greg N. Johnston, 904 West Main, Jefferson City, Cole County, Missouri 65109, as the Small Business Ombudsman, for a term ending concurrent with that of the Governor, and until his successor is duly appointed and qualified; vice, Amy M. Jordan, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

Michael E. Joseph, M.D., Republican, 1322 Bramar Drive, Joplin, Jasper County, Missouri 64801, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Cosette D. Kelly, Democrat, 10311 East 42nd Street, Kansas City, Jackson County, Missouri 64133, as a public member of the Clean Water Commission, for a term ending April 12, 2002, and until his successor is duly appointed and qualified; vice, Gary "Bill" Fretwell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Deborah A. Kerr, 7241 Sunnyvale Drive, Apartment One, Columbia, Boone County, Missouri 65201, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until her successor is duly appointed and qualified; vice, Cheryl Price, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 1998, while the Senate was not in session.

Catherine B. Leapheart, 213 Spalding Drive, Holts Summit, Callaway County, Missouri 65043, as Director of Employment Security, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Paul Rodgers, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 23, 1998, while the Senate was not in session.

Paul T. Leverington, 1239 East Portland, Springfield, Greene County, Missouri 65804, as a member of the State Committee for Social Workers, for a term ending October 2, 2001, and until his successor is duly appointed and qualified; vice, Vicki Huff, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1998, while the Senate was not in session.

Ryne P. "Patt" Lilly, Republican, 4326 Stonecrest Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2004, and until his successor is duly appointed and qualified; vice, Robert W. Roth, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 5, 1998, while the Senate was not in session.

Judy C. Logan, Democrat, Post Office Box 224 (HCR 71), Vienna, Maries County, Missouri 65582, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2002, and until her successor is duly appointed and qualified; vice, William "Skip" Rich, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Joyce F. Marshall, 1435 Briar Village Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 24, 1998, while the Senate was not in session.

Alise Martiny-Byrd, 3535 Northeast Monterey Avenue, Kansas City, Clay County, Missouri 64117, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, Robert Steinke, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Betty R. Marver, Democrat, 816 Pennsylvania, University City, St. Louis County, Missouri 63130, as a member of the Missouri Community Service Commission, for a term ending December 15, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Thomas J. Mathis, III, Route 1, Box 411, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors, for a term ending September 28, 2002, and until his successor is duly appointed and qualified; vice, Gerard J. Harms, Sr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Russell E. McCampbell, Ph.D., 708 Gunnison Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, Robert H. Asel, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Emmy L. McClelland, Republican, 455 Pasadena, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Micquanita "Nita Johnson" Mosely, 1135 Murray Lane, Sikeston, Scott County, Missouri 63801, as a member of the Minority Environmental Literacy Advisory Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo. 640.240.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 17, 1998, while the Senate was not in session.

Wayne K. Mueller, 509 Riverchase Circle, Fenton, St. Louis County, Missouri 63026, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 30, 1998, while the Senate was not in session.

Franklin D. Nickell, Ph.D., Democrat, 1627 Scivally Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Mississippi River Parkway Commission, for a term ending March 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Joann E. Noll, 1270 Bridle Road #15, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1999, and until her successor is duly appointed and qualified; vice, Nancy Verderber, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1998, while the Senate was not in session.

Michael E. O'Mara, 2913 Rexford Creek Court, Florissant, St. Louis County, Missouri 63031, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until his successor is duly appointed and qualified; vice, Bob Fowler, Sr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 15, 1998, while the Senate was not in session.

Judy M. Phillips, 1005 West 38th Street, Kansas City, Jackson County, Missouri 64111, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Karen B. Rosen, O.D., 1324 Conway Oaks Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Board of Optometry, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 17, 1998, while the Senate was not in session.

Edward M. Roth, 4141 Flora Place, St. Louis City, Missouri 63110, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 3, 2002, and until his successor is duly appointed and qualified; vice, Robert Haar, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 1998, while the Senate was not in session.

Eleanor B. Schwartz, 5106 Cherry Street, Kansas City, Jackson County, Missouri 64110, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 12, 1998, while the Senate was not in session.

Marcia D. Shadel, Republican, 614 Harris Lane, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2003, and until her successor is duly appointed and qualified; vice, Don Lakin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Reaner G. Shannon, Ph.D., 7601 East 73rd Terrace, Kansas City, Jackson County, Missouri 64133, as a member of the Minority Environmental Literacy Advisory Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo. 640.240.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Sylvia R. Shead, 1646 Schulte Road, St. Louis, St. Louis County, Missouri 63146, as a member of the Minority Environmental Literacy Advisory Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo. 640.240.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

Lorri J. Sheets, 2011 East 532 Road, Pleasant Hope, Polk County, Missouri 65725, as a member of the Child Abuse and Neglect Review Board, for a term ending December 29, 2000, and until her successor is duly appointed and qualified; vice, Danny Hobbs, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 4, 1998, while the Senate was not in session.

Gary F. Sobocinski, R.Ph., 3274 Bridgeport Place Drive, St. Louis, St. Louis County, Missouri 63044, as a member of the State Board of Pharmacy, for a tem ending June 11, 2003, and until his successor is duly appointed and qualified; vice, Fred E. Tonnies, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

James W. Spradling, 502 South Third, Clinton, Henry County, Missouri 64735, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1999, and until his successor is duly appointed and qualified; vice, Vehrleene Crosswhite, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Annetta St. Clair, 4363 Annetta Lane, Joplin, Newton County, Missouri 64804, as a member of the Well Installation Board, for a term ending February 24, 2000, and until her successor is duly appointed and qualified; vice, Jay Plattner, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Gary N. Stevens, 200 West First Street, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 633.035

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11,

1998, while the Senate was not in session.

Karen A. Sylvara, D.O., Republican, Route 1, Box 622, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Health, for a term ending October 13, 2000, and until her successor is duly appointed and qualified; vice, Sandra Shelley, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 4, 1998, while the Senate was not in session.

Daniel J. Szatkowski, 11721 Eddie and Park Road, Crestwood, St. Louis County, Missouri 63126, as a member of the Low-Level Radioactive Waste Compact Advisory Committee, for a term ending April 10, 2002, and until his successor is duly appointed and qualified; vice, Robert Wester, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Dianne L. Tackett, 2407 Yorktown Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, reappointed to full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 24, 1998, while the Senate was not in session.

Wanda T. Terrell, 4756 Westminster, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 17, 1998, while the Senate was not in session.

Donald E. Thompson, Democrat, #5 Woodfort Court, Box 183, Troy, Lincoln County, Missouri 63379, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 21, 1998, while the Senate was not in session.

E. Maxine Thompson, 7085 Northeast Jones Road, Cameron, Clinton County, Missouri 64429, as a public member of the Missouri Dental Board, for a term ending August 16, 2002, and until her successor is duly appointed and qualified; vice, Adrienne A. Fly, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1998, while the Senate was not in session.

Fredrick A. "Tommy" Thomson, 4625 North Agnes, Kansas City, Clay County, Missouri 64117, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1998, while the Senate was not in session.

William V. Turner, Democrat, 925 St Andrew's Circle, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2002, and until his successor is duly appointed and qualified; vice, C. Joan West Stricker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 10, 1998, while the Senate was not in session.

Bruce B. Waugh, Republican, 1010 West Meyer Boulevard, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Election Commissioners, for a term ending January 15, 2001, and until his successor is duly appointed and qualified; vice, Christopher Davis, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 23, 1998, while the Senate was not in session.

John R. Wilson, Republican, 5712 Woodhaven Lane, Parkville Platte County, Missouri 64152, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Frank Brancato, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

John T. Witherspoon, Ph.D., 1927 East Lark, Springfield, Greene County, Missouri 65804, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 17, 1998, while the Senate was not in session.

Barbara L. Wolken, Democrat, 1725 Southwest Boulevard, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 30, 1998, while the Senate was not in session.

Donna M. Zaring, 308 Jefferson Street, Jefferson City, Cole County, Missouri 65101, as a member of the State Board of Barber Examiners, for a term ending April 5, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

RESOLUTIONS

On behalf of President Pro Tem Quick, Senator DePasco offered the following resolution:

SENATE RESOLUTION NO. 5

Notice of Proposed Rule Change

BE IT RESOLVED that Rule 25 and Rule 28 of the temporary rules adopted by the Senate of the 90th General Assembly, First Regular Session, be amended as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, [14] **13** members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Corrections and General Laws, 7 members.
8. Committee on Education, 13 members.
9. Committee on Elections, Pensions and Veterans' Affairs, 9 members.
10. Committee on Ethics, [9] **8** members.
11. Committee on Financial and Governmental Organization, 9 members.
12. Committee on Gubernatorial Appointments, [12] **11** members.
13. Committee on Insurance and Housing, 9 members.
- [14. Committee on Interstate Cooperation, 5 members.]

- [15.] **14.** Committee on Judiciary, 9 members.
- [16.] **15.** Committee on Labor and Industrial Relations, 9 members.
- [17.] **16.** Committee on Local Government and Economic Development, 7 members.
- [18.] **17.** Committee on Legislative Research (statutory), 10 members.
- [19.] **18.** Committee on Public Health and Welfare, [10] **9** members.
- [20.] **19.** Committee on Rules, Joint Rules and Resolutions, 9 members.
- [21.] **20.** Committee on State Budget Control, [10] **9** members.
- [22.] **21.** Committee on Transportation, 9 members.
- [23.] **22.** Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.
2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.
3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.
4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.
5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.
6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.
7. The Committee on Corrections and General Laws shall consider and report on all bills, resolutions and all other matters concerning general topics which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.
8. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state,

including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

9. The Committee on Elections, Pensions and Veterans' Affairs shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, retirement, pensions, pension plans, and to military organizations and all matters touching on military and veterans' affairs.

10. The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.

11. The Committee on Financial and Governmental Organization shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

12. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

13. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

[14. The Committee on Interstate Cooperation shall perform its statutory duties and shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.]

[15.] **14.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[16.] **15.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[17.] **16.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[18.] **17.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[19.] **18.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[20.] **19.** The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[21.] **20.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after

having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[22.] **21.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[23.] **22.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming."

BE IT FURTHER RESOLVED, that the temporary rules with the above amendments be adopted as the permanent rules of the Missouri Senate for the First Regular Session of the 90th General Assembly.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his wife, Cheryl, their children, Rachael, Elsa, Samuel, Jonathan and Joshua, his mother, Jan Klarich, and Jerry Hall, Ballwin; and James O'Donnell, Rochdale, Massachusetts.

Senator Graves introduced to the Senate, his wife, Lesley, and their children, Trey, Megan and Emily; his parents, Sam and Janice Graves; Dr. Ed Bare; and Becky and Dr. Brent Hrabik, and their children, Johnathan, David and Nick, Tarkio; Bob and Pat Zortman, Alabama; and Bob and Betty Hickok, Florissant.

Senator Bentley introduced to the Senate, her husband, Dr. John Bentley, her son, Jeff, and his son, John S., Springfield; her daughter, Melissa Bentley-Allen, and her children, Elias and Avery, New York; and her grandchildren, Grace and Emma Bentley, Springfield.

Senator Rohrbach introduced to the Senate, his wife, Beth, California; his sister, Ida Barry, Springfield; his nephew, Steve Barry, and his wife, Annette, Fair Grove; his brother, Lashley Rohrbach, and his wife, Joyce, Jamestown; Dick Peerson, Rudy Veit, Kelley Ogletree, Ed and Jeanne Schwaller, Heather Poire and Patty Skain, Jefferson City; Judy and Jackie Voight, St. Martins; John Thompson, Marshfield; Duane and Cynthia Brodersen, Lincoln; Bob and Gail Bader, Warsaw; Bob and Clara Denker, California; Gary Harris, Boonville; Susan Klein, Tipton; Rita Linch and Sandy Kaufman, Jefferson City; and Steven Cowen, Wooldridge.

Senator Wiggins introduced to the Senate, Father Bob Gregory, Father Edward J. Kinerck, S.J., Harry and Nancy Wessley, Laura EsTep Wilch, Mr. and Mrs. Tom Shiel, Ron Sharp, Charlotte Leach, Cathy Kelley, Dorothy Kennedy, Jeff Simon, Janet Lillis, D'Anne Dreiling, Kaye, Gerald and David Meiners, Chris and Carole Werner, Debbie and Erin Nicole Mullally, Charlotte and Josh Hill, Paul Allegri, Dutch Neuman, Rosemary Lowe, Greg Lever, Porcia Reahlene Spencer, Mitchell Alfonzo Jones, Shannalee Sheffield, Ellie Hammontree, Tom Wyrsh, Mr. and Mrs. Brian Cumming, Mr. and Mrs. Pat Hughes and Vernon Debo; and Porcia, Mitchell, Shannalee and Erin were made honorary pages.

The President introduced to the Senate, former State Senator Jim Murphy, St. Louis; and former State Senator Phil B. Curls, Kansas City.

Senator Sims introduced to the Senate, her husband, Dr. William A. Sims, Jr., Molly Tallarico, Susan Luke, Colleen O'Malley and Bill Armstrong, St. Louis; and Sean and Tracy Green and Doris and Rex Whitton, Kansas City.

Senator Steelman introduced to the Senate, her husband, David, and their children, Michael, Samuel and Joseph, Rolla; John and Jackie Hearne, Jefferson City; and Dorman and Maxine Steelman, Salem.

Senator Stoll introduced to the Senate, his wife, Kathy, his mother, Shirley Stoll, Amy Woods and Andrew Woods, Festus; Laura and Cory Irelan, St. Louis County; and his brother, Judge Mark Stoll, Crystal City.

Senator Clay introduced to the Senate, his wife, Ivie, and their daughter, Carol, St. Louis; and Francis Slay, Jr., St. Louis.

Senator Maxwell introduced to the Senate, his wife, Sarah, Mexico; and Lewis Brooks, Jr., Ellen Bogart, David Baden and John Robinson.

Senator Singleton introduced to the Senate, his wife, Anita, his son, Mitchell, and his daughter, Catherine, Seneca; Mary Lou Martin, Joplin; Steve and Rita Hunter, Carl Junction; Jeannie Wells, Jasper; and Jerrod Reineke.

Senator House introduced to the Senate, Keith and Ilene House, Fayette; and his children, Mardi, Benjamin, Catherine and Daniel, St. Charles.

Senator Bland introduced to the Senate, her sister, Judith Groves; her daughters, Pamela and Arletha, her sons, Rodney and Craig; her daughter-in-law, Wanda; her mother, Honorable Helen

Ragsdale, Johnathan Manlove, Sr., Lt. Linda Manlove, Keith Thomas, Velda Cook, Curtis Jones, Shalone Curls, Holli Holliday, Fred Curls, Rosemary Lowe and former State Senator Phil Curls.

Senator Kenney introduced to the Senate, his wife, Sandra, and their children, Carlton and Elizabeth, Lee's Summit; and Jim and Darlene Waggoner; Glenn and Mary Jones; Rich, Sherrie, Angela and Rebecca Ritter; Mike, Jenni and Cassie Cohee; Lindsey Huff; John, Martha, Heather, Kelley and Alex Conrad.

Senator Banks introduced to the Senate, his wife, Anita, Ms. Ella Borders, Ms. Frances Shelby, Ms. Leslie McClure and Mr. Grayland Nowdon, St. Louis City.

Senator Johnson introduced to the Senate, his wife, Jean, Agency; Berry and Tracy Johnson, Gower; Lindsey Minson, Marble Hill; Bill and Kathy Rhoad and Elmer and Nancy Clark, Gower; and Barbara and Jeana and Tom and Martha Trail, Agency.

Senator Goode introduced to the Senate, his wife, Jane, St. Louis; and former Lieutenant Governor and State Senator Harriett Woods.

Senator Westfall introduced to the Senate, his wife, Sharon, Halfway.

Senator Rohrbach introduced to the Senate, the Physician of the Day, Rolf E. Gryte, D.O., and his wife, Barbara, Osage Beach.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 7, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl G. Gauck offered the following prayer:

Gracious and heavenly Father, help us keep the feeling of positive beginnings we started yesterday. Help us also have an ear to hear the concerns of the people of this state. Help us serve both well wisher and doubter, mindful only of Your call for service in Your Kingdom. Watch over our members' travel back to family and friends in the snow that is falling, bringing them safely to their destinations. And may all of us benefit from the recreation You provide with those You have given us to love. This we ask in Your Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator Scott--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 6, regarding Joseph F. Lingle III, which was adopted.

Senator Stoll offered Senate Resolution No. 7, regarding Darren West Romriell, Hillsboro, which was adopted.

Senator Stoll offered Senate Resolution No. 8, regarding Brandon Rutledge Templeton, Crystal City, which was

adopted.

Senator Stoll offered Senate Resolution No. 9, regarding Bradley Wayne Parkin, Festus, which was adopted.

Senator Childers offered Senate Resolution No. 10, regarding Kenneth Bowling, Brookline, which was adopted.

Senator Mueller offered Senate Resolution No. 11, regarding the Fourth Annual Martin Luther King, Jr. Community Celebration at the Webster Groves Presbyterian Church, which was adopted.

Senator Clay offered Senate Resolution No. 12, regarding Pearlie I. Evans, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 1** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Schneider	Scott--2		

President Wilson assumed the Chair.

Senator DePasco moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Schneider	Scott--2		

CONCURRENT RESOLUTIONS

Senator Clay offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, one hundred fifty years have now passed since the greatest tragedy in Irish history occurred: The Great Irish Famine, also known as An Gorta Mor, the Great Starvation, the Great Hunger, the Irish Potato Blight, the Potato Famine, and the Great Irish Hunger; and

WHEREAS, this catastrophic five-year period between 1845 and 1850 in which millions of Irish people perished or emigrated was due to mass starvation precipitated by a recurring potato crop failure and worsened by acts of the British government which ignored the plight of the people; and

WHEREAS, the thousands upon thousands of bodies which required burial in a short period of time necessitated creation of the "sliding coffin", a hinged coffin which was used to transport the deceased to the graveyard where it would be placed over a huge pit, its bottom would drop, and the victim would fall into the common grave below; and

WHEREAS, Ireland lost nearly one half of its population during this dreadful famine, a catastrophe of astronomic proportions which needs to be examined and discussed in the public schools of Missouri in an effort to reaffirm the commitment of free people of all nations to eradicate the causes of famine that exist in the modern world and to engender an appreciation for Irish Americans; and

WHEREAS, many of the Irish immigrated to the Show-Me State where they distinguished themselves by their great contributions to the formation of Missouri, a long list of remarkable individuals which includes Joseph Charles who in 1808 founded the first newspaper west of the Mississippi River, the **Missouri Gazette**; and

WHEREAS, it would be in the best interests of the Missouri's public school students for the State Board of Education to prepare and make available to all school boards instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school and high school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Elementary and Secondary Education.

Senators Goode, Childers, Clay, Flotron, Mathewson, Kinder and Schneider offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private tele-communications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommuni-cations and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 216-By Wiggins.

An Act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

SB 217-By Wiggins.

An Act relating to certain duties of the department of revenue.

SB 218-By Caskey.

An Act to repeal sections 174.450 and 174.453, RSMo 1994, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject.

SB 219-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

SB 220-By Caskey.

An Act to repeal section 50.660, RSMo Supp. 1998, relating to county bid requirements, and to enact in lieu thereof one new section relating to the same subject.

SB 221-By House.

An Act to repeal section 375.775, RSMo 1994, relating to the Missouri property and casualty insurance guaranty association, and to enact in lieu thereof one new section relating to the same subject.

SB 222-By Clay.

An Act to repeal section 494.455, RSMo 1994, relating to the compensation of jurors, and to enact in lieu thereof one new section relating to the same subject.

SB 223-By Bland.

An Act relating to the tobacco settlement fund commission.

SJR 18-By Wiggins.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to the accountability by the board of curators of the state university.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Mary Lou Martin, Joplin.

Senator Singleton introduced to the Senate, Jimmy, Karen, Morgan and Nicole Jester, Neosho.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 11, 1999.

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 11, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father, You know our "going out and our coming in." You have brought us safely here to discern the business of this Senate and are with us always. So we pray, be with us this week as we work for the common good of the people of Missouri and let us always seek Your Holy Spirit's guidance so our work receives Your blessings and thereby prospers. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 7, 1999, was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 13, regarding the death of Martha Catherine Johnson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 14, regarding the death of Rodger John Walsh, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 15, regarding the death of Judge Joseph Edward Stevens, Jr., Kansas City, which was adopted.

Senator Banks offered Senate Resolution No. 16, regarding the 40th Anniversary of the Missouri Commission on Human Rights, which was adopted.

Senator Quick offered Senate Resolution No. 17, regarding John Joseph Darst, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 18, regarding Tyler Scott McDaniel, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 19, regarding Daniel Morris, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 20, regarding Justin McDaniel, Liberty, which was adopted.

Senator Wiggins offered Senate Resolution No. 21, regarding the death of Irma L. (Maier) Reves, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 22, regarding the death of Robert Allen "Bob" Brown, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 23, regarding the death of Preston Moore, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 24, regarding the death of George Roscoe Aspley, which was adopted.

Senator Wiggins offered Senate Resolution No. 25, regarding the death of James Lloyd McMinn, Grandview, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 26, regarding Janet Watkins, St. Charles, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 27, regarding Dr. Henry Clever, St. Charles, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 28, regarding Andrew McColloch, St. Charles, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 29, regarding Grace Nichols, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 30, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Virgil G. Renzelman, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 31, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Calvin Henry, Sr., Grant City, which was adopted.

Senator Graves offered Senate Resolution No. 32, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Marshall, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 33, regarding the Sixty-fourth Wedding Anniversary of Mr. and Mrs. Veldon Taylor, Humphreys, which was adopted.

Senator Graves offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence Rader, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 35, regarding Cap Marsh, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 36, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Barton, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 37, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Woodrow W. "Woody" Kline, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 38, regarding the Ninetieth Birthday of Edith M. Livingston, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 39, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edward Hudson, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenny Lewis, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 41, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Almond, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 42, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Guy Griffin, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 43, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Byron "Keith" Harris, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 44, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rex Michael, Trenton, which was adopted.

Senator Kenney offered Senate Resolution No. 45, regarding Allen Bert Colfry, IV, Lake Lotawana, which was adopted.

Senator Kenney offered Senate Resolution No. 46, regarding Syed Ali Shabbir, Stilwell, Kansas, which was adopted.

Senator Kenney offered Senate Resolution No. 47, regarding Spencer Gordon Day, Kansas City, which was adopted.

Senator Westfall offered Senate Resolution No. 48, regarding the death of Reverend Dwight Seneker, Mt. Vernon, which was adopted.

Senator Schneider offered Senate Resolution No. 49, regarding Nathan A. Faltus, Florissant, which was adopted.

Senator Wiggins offered Senate Resolution No. 50, regarding the death of George T. O'Laughlin, Jr., Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 51, regarding Kirby Van Ausdall, Pemiscot County, which was adopted.

Senator Goode offered Senate Resolution No. 52, regarding Gus Lumpe, University City, which was adopted.

Senators Wiggins, Klarich, Westfall, Mueller, Kenney, House, Caskey, Quick, DePasco, Bentley, Clay and Mathewson offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 53

WHEREAS, the members of the Missouri Senate have been deeply pleased to learn that George Brett, premier player and baseball star of the Kansas City Royals, has been elected to the Baseball Hall of Fame in Cooperstown, New York; and

WHEREAS, when the results of the poll taken among the Baseball Writers of America were announced on Tuesday, January 5th, George Brett had received 98% of the vote, in his first year of eligibility, placing him 4th in the history of all time vote getters in the poll of all those elected since 1936, behind Tom Sievers, Nolan Ryan and Ty Cobb; and

WHEREAS, George Brett, a native of California, came to Kansas City to join the Kansas City Royals in 1974 via the Royals AAA Farm Club in Omaha, Nebraska; and

WHEREAS, George Brett immediately became a star in a career spanning 21 seasons highlighted by 3,154 hits, three batting titles and a Most Valuable Player Award; and

WHEREAS, George Brett in his playing career established far more records than could be placed in any one Resolution, and including being the only major league player ever to win batting crowns in three different decades, selected to play in 13 All-Star Games, established a career high batting average of .390 in 1980, second highest, since .406 by Ted Williams in 1941, collecting a hit off 661 different pitchers and a home run off 211 different hurlers on his way to collecting 3,154 hits and establishing a .305 career batting average; and

WHEREAS, George Brett, in becoming the first Kansas City Royal to achieve baseball immortality by reaching the Hall of Fame, establishes himself as more than George Brett, the baseball hero, but makes even greater history as George Brett, the legendary man, kind, humble, gentlemanly, courteous, generous to all, particularly interested in children, and in all humanitarian causes for the good of Kansas City, its citizens, and his fans;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the outstanding accomplishments of a great and good Kansas Citian, George Brett, Mr. Kansas City Royal, express sincere congratulations and delight on his election to Baseball's Hall of Fame, and extend to George Brett, his wife Leslie, and their sons, Jackson, Dylan and Robin, many long years continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for George Brett, Ed Molotsky, Kansas City Royals, Lewis Smith, Kauffman Foundation, Buck O'Neill, Bill Grigsby and Julia Kauffman.

Senator Quick moved that **SR 5** be taken up for adoption, which motion prevailed.

Senator Quick offered **SS** for **SR 5**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 5

Notice of Proposed Rule Change

BE IT RESOLVED that Rule 25 and Rule 28 of the temporary rules adopted by the Senate of the 90th General Assembly, First Regular Session, be amended as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, [14] **13** members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
- [7. Committee on Corrections and General Laws, 7 members.]
- [8.] **7.** Committee on Education, 13 members.
- [9.] **8.** Committee on Elections, [Pensions and] Veterans' Affairs **and Corrections**, 9 members.

[10.] **9.** Committee on Ethics, [9] **8** members.

[11.] **10.** Committee on Financial and Governmental Organization, 9 members.

[12.] **11.** Committee on Gubernatorial Appointments, [12] **11** members.

[13.] **12.** Committee on Insurance and Housing, 9 members.

[14.] Committee on Interstate Cooperation, 5 members.]

[15.] **13.** Committee on Judiciary, 9 members.

[16.] **14.** Committee on Labor and Industrial Relations, 9 members.

[17.] **15.** Committee on Local Government and Economic Development, 7 members.

[18.] **16.** Committee on Legislative Research (statutory), 10 members.

17. Committee on Pensions and General Laws, 7 members.

[19.] **18.** Committee on Public Health and Welfare, [10] **9** members.

[20.] **19.** Committee on Rules, Joint Rules and Resolutions, 9 members.

[21.] **20.** Committee on State Budget Control, [10] **9** members.

[22.] **21.** Committee on Transportation, 9 members.

[23.] **22.** Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil

procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

[7. The Committee on Corrections and General Laws shall consider and report on all bills, resolutions and all other matters concerning general topics which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.]

[8.] **7.** The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

[9.] **8.** The Committee on Elections, [Pensions and] Veterans' Affairs **and Corrections** shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, [retirement, pensions, pension plans,] and to military organizations and all matters touching on military and veterans' affairs **and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.**

[10.] **9.** The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.

[11.] **10.** The Committee on Financial and Governmental Organization shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

[12.] **11.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

[13.] **12.** The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

[14. The Committee on Interstate Cooperation shall perform its statutory duties and shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.]

[15.] **13.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[16.] **14.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[17.] **15.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[18.] **16.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

17. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[19.] **18.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[20.] **19.** The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[21.] **20.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[22.] **21.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[23.] **22.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming."

BE IT FURTHER RESOLVED, that the temporary rules with the above amendments be adopted as the permanent rules of the Missouri Senate for the First Regular Session of the 90th General Assembly.

Senator Quick moved that **SS** for **SR 5** be adopted, which motion prevailed by the following vote:

	YEAS--Senators			
Banks	Bentley	Caskey	Childers	
Clay	DePasco	Ehlmann	Flotron	
Goode	Graves	House	Howard	
Jacob	Johnson	Kenney	Kinder	
Klarich	Mathewson	Maxwell	Mueller	
Quick	Rohrbach	Russell	Sims	
Singleton	Staples	Steelman	Stoll	
Westfall	Wiggins	Yeckel--31		
	NAYS--Senators--None			
	Absent--Senators			
Bland	Schneider--2			
	Absent with leave--Senators		Scott--1	

Senator Wiggins assumed the Chair.

CONCURRENT RESOLUTIONS

Senators Ehlmann and Klarich offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, the federal Clean Air Act, as amended, requires the United States Environmental Protection Agency to establish National Ambient Air Quality Standards; and

WHEREAS, the St. Louis metropolitan area is currently designated as a nonattainment area with regard to the National Ambient Air Quality Standard for low-level atmospheric ozone; and

WHEREAS, the General Assembly has devoted considerable effort and attention during the last five years to authorizing air pollution control measures needed to improve air quality in the St. Louis nonattainment area, including the enactment of SB 590 from 1994 which authorizes an enhanced motor vehicle emissions inspection and maintenance program; and

WHEREAS, the Department of Natural Resources is currently implementing the enhanced motor vehicle emissions inspection and maintenance program, a key component of the comprehensive State Implementation Plan designed to bring the area into attainment of the National Ambient Air Quality Standards; and

WHEREAS, the Sierra Club and the Missouri Coalition for the Environment filed suit on November 12, 1998 in the United States District Court for the District of Columbia to: compel the United States Environmental Protection Agency to redesignate St. Louis as a "serious" non-attainment area; require the state to submit a new State Implementation Plan which includes all the air pollution reduction measures required for serious nonattainment areas; postpone approval of any Transportation Implementation Plan until the new State Implementation Plan has been approved; and impose the "emissions offset" penalty and the loss of highway funding penalty on the St. Louis nonattainment area; and

WHEREAS, the state's flexibility in choosing appropriate air pollution measures will be impaired by reclassification of the St. Louis nonattainment area as "serious" with the attendant increase the mandatory reduction measures; and

WHEREAS, the emissions offset penalty will require any new business or industry which seeks to locate in the St. Louis area to arrange for reduction of air emissions from existing sources which is greater than the emissions the new business or industry will make, thereby significantly hampering or perhaps eliminating the siting of new businesses or industries in the area, thereby undermining the area economy; and

WHEREAS, the loss of federal highway funding for the St. Louis area will cripple the state's ability to maintain needed roadways and to create new transportation facilities, which may lead to greater traffic congestion, worsening the air quality problems in the area;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that Governor Mel Carnahan is hereby urged to immediately seek to intervene in this federal litigation, to support the defendant in this litigation which would enable the defendant to continue to implement the federal Clean Air Act in a manner which properly serves the interests of society to protect public health and the environment while encouraging economic growth and development; and

BE IT FURTHER RESOLVED that the Attorney General is urged to provide any and all necessary legal assistance to the Department of Natural Resources to initiate and sustain any such intervention;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to the Governor, the Director of the Department of Natural Resources and the Attorney General.

President Wilson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 224-By Caskey.

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

SB 225-By Caskey.

An Act to repeal section 334.655, RSMo Supp. 1998, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 226-By Mathewson.

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject.

SB 227-By Mathewson.

An Act to repeal section 312.100, RSMo 1994, relating to nonintoxicating beer, and to enact in lieu thereof one new section relating to the same subject.

SB 228-By Russell.

An Act authorizing the governor to convey certain state property to the city of Osage Beach.

SB 229-By Russell.

An Act to amend chapter 67, RSMo, relating to powers of political subdivisions by adding thereto two new sections relating to a tourism tax for a certain city.

SB 230-By Russell.

An Act to repeal section E of Proposition A as approved by the voters on November 3, 1998, relating to animal fighting, and to enact in lieu thereof one new section relating to the same subject.

SB 231-By Banks.

An Act to repeal section 701.316, RSMo 1994, relating to lead-bearing substance activities, and to enact in lieu thereof one new section relating to the same subject.

SB 232-By Banks.

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to fire protection, with penalty provisions.

SB 233-By Sims.

An Act to repeal section 167.126, RSMo Supp. 1998, relating to placement of children, and to enact in lieu thereof one new section relating to the same subject.

SB 234-By Stoll.

An Act to amend chapter 286, RSMo, by adding thereto one new section relating to the department of labor and industrial relations, with an emergency clause.

SB 235-By Stoll.

An Act to repeal section 572.010, RSMo 1994, for the sole purpose of defining amusement devices, and to enact in lieu thereof one new section relating to the same subject.

SB 236-By Stoll.

An Act to repeal sections 160.051, 160.053, 160.054 and 160.055, RSMo Supp. 1998, relating to summer school attendance prior to kindergarten, and to enact in lieu thereof four new sections relating to the same subject.

SB 237-By Klarich.

An Act to repeal section 211.421, RSMo 1994, relating to endangering the welfare of a child, and to enact in lieu thereof one new section relating to the same subject.

SB 238-By Jacob.

An Act to repeal section 175.021, RSMo 1994, and sections 172.035 and 174.055, RSMo Supp. 1998, relating to student representatives on the governing boards of certain institutions of higher education, and enact in lieu thereof three new sections relating to the same subject.

SB 239-By Jacob.

An Act to repeal section 205.190, RSMo Supp. 1998, relating to powers of the board of hospital trustees, and to enact in lieu thereof one new section relating to the same subject.

SB 240-By DePasco.

An Act to amend chapter 67, RSMo, by adding thereto one new section, relating to local tax for tourism, with an emergency clause.

SB 241-By Bland.

An Act relating to educational programs.

SB 242-By Bland.

An Act establishing tax credits for businesses which purchase certain goods and services, with penalty provisions and an effective date.

SB 243-By Bland.

An Act relating to certain health care benefits with a conditional effective date for certain sections, and submitting said act to the voters of the state for approval or rejection under referendum provisions of the constitution.

SB 244-By Schneider.

An Act to repeal section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

SB 245-By Maxwell, Staples and Clay.

An Act to amend chapter 295, RSMo, by adding thereto one new section relating to project labor agreements.

SB 246-By Maxwell and Goode.

An Act to repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject.

SB 247-By Maxwell.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state contracts.

SB 248-By Maxwell.

An Act to repeal section 365.140, RSMo 1994, relating to retail installment contracts, and to enact in lieu thereof one

new section relating to the same subject.

SB 249-By Maxwell.

An Act to amend chapter 700, RSMo, by adding thereto twenty-one new sections relating to setup contractors for the manufactured housing industry, with penalty provisions and an expiration date.

SB 250-By Bland.

An Act relating to tax relief for child care payments.

SB 251-By Bland.

An Act to amend chapter 215, RSMo, by adding two new sections relating to the Missouri housing development commission.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Gary F. Sobocinski, R.Ph. for the State Board of Pharmacy, made and commissioned by me on September 4, 1998, and submitted to the Senate on January 6, 1999. Line three should be amended to read:

of Pharmacy, for a term ending September 4, 2003, and until his successor

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Barbara J. Dunning for the Missouri Board of Pharmacy, made and commissioned by me on December 15, 1998, and submitted to the Senate on January 6, 1999. Line three should be amended to read:

Pharmacy, for a term ending December 15, 2003, and until her

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

On behalf of Senator Jacob and himself, Senator Rohrbach introduced to the Senate, Dr. Don Vanderfeltz, California; and Mike Nichols, Columbia.

Senator Bentley introduced to the Senate, Steve Rice, Springfield.

Senator Caskey introduced to the Senate, former State Senator Bill Cason and his wife, Lois, and Rick and Martha Nichols, Clinton.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 12, 1999

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father, Your servants here give You thanks for all Your goodness and loving-kindness to us. Grant, we pray, to give us such an awareness of Your spiritual promptings that we might be about the tasks You have for us to perform, to provide service to the people who elected us and compassion on those who are truly needed. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

RESOLUTIONS

Senators Wiggins, DePasco, Quick, Bland and Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 54

WHEREAS, the members of the Missouri Senate have been deeply pleased to learn that on Thursday, January 14th, the Jackson County Parks and Recreation Department will conduct a ceremony at 3:30 p.m. at which the Longview Golf Course will be renamed the Fred Arbanas Longview Golf Course; and

WHEREAS, the ceremony is in honor of one of the greatest and deserving citizens in the history of Jackson County, the Honorable Fred Arbanas; and

WHEREAS, Fred Arbanas has served continuously as a member of the Jackson County Legislature since its inception in 1974, taking the place under the county charter of the old Jackson County Court, and has just taken the oath of office for his eighth term; and

WHEREAS, prior to entering elective political office, Fred Arbanas was a professional athlete and an All-Star player for the Kansas City Chiefs, being elected after his retirement to the Kansas City Chiefs Hall of Fame; and

WHEREAS, during twenty six years as a member of the Jackson County Legislature, Fred Arbanas, has stood for the highest standards of honesty, faithful attention to duty, truthfulness with the people, efficiency and good government; and

WHEREAS, in addition to the numerous civic and community projects he has championed, Fred Arbanas has taken a particular interest in the Jackson County Parks and Recreation Department to make parks, lakes and recreation facilities available to all citizens, young and old; and

WHEREAS, under the watchful supervision of Fred Arbanas in cooperation with then County Executive Bill Waris and the late, great Alex George, a fabulous golf course, Longview, second to none, was developed along the shores of the newly created Longview Lake, creating one of the greatest public recreational complexes, not just in Missouri, but in the entire Midwest; and

WHEREAS, it is truly fitting that the government of Jackson County now rename the golf course the Fred Arbanas Longview Golf Course in honor of a great Jackson Countian and a great American;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, pause in their deliberations to salute the outstanding accomplishments of Fred Arbanas, express congratulations on the honor of having Longview golf course renamed for him, and extend to Fred Arbanas and all his family our best wishes for many long years continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for Fred Arbanas, Jackson County Legislature, Fred Arbanas Longview Golf Course and the Honorable Bill Waris.

CONCURRENT RESOLUTIONS

Senator Russell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, United Nations Ambassador Peter Burleigh signed the Kyoto Protocol on behalf of the United States this last December; and

WHEREAS, the United States has agreed to reduce greenhouse gas emissions seven percent below 1990 levels in just twelve years; and

WHEREAS, if the Global Climate Treaty is ratified by a two-thirds majority of the United States Senate, over one hundred countries with whom the United States directly competes for international markets, including Mexico, China, India and Argentina, would be totally exempt from the greenhouse gas requirements in the treaty; and

WHEREAS, there appears to be no agreement among the scientific community that human greenhouse gas emissions cause global warming, and scientists at the Oregon Institute of Science and Medicine state: "There is not a shred of persuasive evidence that humans have been responsible for increasing global temperatures."; and

WHEREAS, if the United States Senate ratifies the Global Climate Treaty, studies estimate that legally binding requirements for the reduction of United States greenhouse gases below 1990 emission levels would result in the loss of more than 2.4 million jobs, including the potential loss of nearly fifty thousand Missouri jobs; and

WHEREAS, these same estimates show the requirements would likely result in sharply increased prices for natural gas, propane, gasoline and diesel fuel, and in higher food prices as the result of new restrictions on farmers; and

WHEREAS, despite the federal administration signing the treaty, the Constitution requires the Senate to first debate the issue then vote "yes" or "no" on ratification before it becomes a formal United States treaty; and

WHEREAS, Congress has not conducted a national discussion on the Kyoto Protocol:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Senate, our Missouri Senators in particular, to hold a national discussion on the Kyoto Protocol and not to ratify the Global Climate Treaty signed in Kyoto, Japan; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the United States Senate and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 252-By Rohrbach.

An Act to repeal section 478.625, RSMo 1994, relating to the nineteenth judicial circuit, and to enact in lieu thereof one new section relating to the same subject.

SB 253-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 254-By Bland.

An Act relating to economic development in certain economically depressed areas.

SB 255-By Bland.

An Act to repeal section 59.319, RSMo 1994, relating to user fees collected by the county recorder of deeds, and to enact in lieu thereof one new section relating to the same subject.

SB 256-By Bland.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 375.005, 375.007, and 375.008, RSMo 1994, relating to cancellation of insurance policies, and to enact in lieu thereof six new sections relating to the same subject.

SB 257-By Bland.

An Act relating to liquor control, with penalty provisions.

SB 258-By Bland.

An Act relating to academic scholarships for certain motivated and talented students, with penalty provisions.

SB 259-By Jacob.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two

new sections relating to the same subject.

COMMITTEE APPOINTMENTS

President Pro Tem Quick submitted the following committee appointments:

ADMINISTRATION

Senators: Quick, Chair

DePasco, Vice-chair

Johnson

Ehlmann

Flotron

AGING, FAMILIES AND MENTAL HEALTH

Senators: Howard, Chair

Johnson, Vice-chair

Bland

Clay

Bentley

Childers

Sims

AGRICULTURE, CONSERVATION, PARKS AND TOURISM

Senators: Johnson, Chair

Howard, Vice-chair

Caskey

House

Jacob

Stoll

Childers

Graves

Rohrbach

Steelman

Westfall

APPROPRIATIONS

Senators: Goode, Chair

Maxwell, Vice-chair

Wiggins, Vice-chair

Clay

Howard

Johnson

Staples

Kinder

Mueller

Rohrbach

Russell

Singleton

Westfall

CIVIL AND CRIMINAL JURISPRUDENCE

Senators: Caskey, Chair

Banks, Vice-chair

Bland

Goode

House

Bentley

Sims

Singleton

Westfall

COMMERCE AND ENVIRONMENT

Senators: Maxwell, Chair

Mathewson, Vice-chair

Goode

Schneider

Stoll

Ehlmann

Kenney

Kinder

Steelman

EDUCATION

Senators: House, Chair

Johnson, Vice-chair

Caskey

Clay

Jacob

Maxwell

Stoll

Bentley

Kenney

Sims

Steelman

Westfall

Yeckel

ELECTIONS, VETERANS' AFFAIRS AND CORRECTIONS

Senators: Stoll, Chair

Maxwell, Vice-chair

Bland

Howard

Jacob

Ehlmann

Flotron

Rohrbach

Yeckel

ETHICS

Senators: Caskey, Chair

Scott, Vice-chair

Schneider

Wiggins

Kenney

Klarich

Russell

Westfall

FINANCIAL AND GOVERNMENTAL ORGANIZATION

Senators: Clay, Chair

Maxwell, Vice-chair

Howard

Jacob

Mathewson

Bentley

Graves

Kinder

Yeckel

GUBERNATORIAL APPOINTMENTS

Senators: Quick, Chair

Scott, Vice-chair

Banks

DePasco

Mathewson

Staples

Bentley

Flotron

Kinder

Russell

Singleton

INSURANCE AND HOUSING

Senators: Jacob, Chair

House, Vice-chair

Banks

Clay

Howard

Mueller

Rohrbach

Sims

Singleton

JUDICIARY

Senators: Schneider, Chair

Caskey, Vice-chair

Howard

Maxwell

Wiggins

Ehlmann

Kenney

Kinder

Klarich

LABOR AND INDUSTRIAL RELATIONS

Senators: Bland, Chair

Clay, Vice-chair

House

Jacob

Mathewson

Childers

Kinder

Mueller

Yeckel

LOCAL GOVERNMENT AND ECONOMIC DEVELOPMENT

Senators: Mathewson, Chair

Scott, Vice-chair

Johnson

Stoll

Childers

Graves

Klarich

PENSIONS AND GENERAL LAWS

Senators: Scott, Chair

Staples, Vice-chair

DePasco

Quick

Ehlmann

Flotron

Klarich

PUBLIC HEALTH AND WELFARE

Senators: Banks, Chair

Wiggins, Vice-chair

Bland

Jacob

Maxwell

Bentley

Rohrbach

Sims

Singleton

RULES, JOINT RULES AND RESOLUTIONS

Senators: DePasco, Chair

Quick, Vice-chair

Mathewson

Scott

Wiggins

Ehlmann

Mueller

Singleton

Yeckel

STATE BUDGET CONTROL

Senators: Johnson, Chair

Quick, Vice-chair

Banks

DePasco

Goode

Ehlmann

Flotron

Graves

Yeckel

TRANSPORTATION

Senators: Staples, Chair

Mathewson, Vice-chair

DePasco

House

Scott

Childers

Graves

Kenney

Russell

WAYS AND MEANS

Senators: Wiggins, Chair

Stoll, Vice-chair

Caskey

House

Jacob

Schneider

Flotron

Klarich

Mueller

Rohrbach

Steelman

President Pro Tem Quick appointed the following committee, pursuant to **HCR 1**: Senators Caskey, Ehlmann, House, Jacob, Kinder, Klarich, Maxwell, Russell, Schneider and Wiggins.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 260-By Klarich.

An Act to repeal sections 72.400, 72.401, 72.410, 72.416 and 72.422, RSMo Supp. 1998, relating to boundaries of political subdivisions, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

REFERRALS

President Pro Tem Quick referred the Gubernatorial Appointments appearing on pages 22 through 43 of the Senate Journal for Wednesday, January 6, 1999, and the addendums appearing on page 65 of the Senate Journal for Monday, January 11, 1999, to the Committee on Gubernatorial Appointments.

President Pro Tem Quick referred **SCR 1**, **SCR 2** and **SCR 3** to the Committee on Rules, Joint Rules and Resolutions.

President Wilson assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1--Judiciary.

SB 2--Financial and Governmental Organi-zation.

SB 3--Ways and Means.

SB 4--Ways and Means.

SB 5--Ways and Means.

SB 6--Ways and Means.

SB 7--Public Health and Welfare.

SB 8--Public Health and Welfare.

SB 9--Insurance and Housing.

SB 10--Transportation.

SB 11--Judiciary.

SB 12--Public Health and Welfare.

SB 13--Ways and Means.

SB 14--Ways and Means.

SB 15--Local Government and Economic Development.

SB 16--Ways and Means.

SB 17--Transportation.

SB 18--Civil and Criminal Jurisprudence.

SB 19--Transportation.

SB 20--Insurance and Housing.

SB 21--Civil and Criminal Jurisprudence.

SB 22--Aging, Families and Mental Health.

SB 23--Labor and Industrial Relations.

SB 24--Local Government and Economic Development.

SB 25--Public Health and Welfare.

SB 26--Elections, Veterans' Affairs and Corrections.

SB 27--Elections, Veterans' Affairs and Corrections.

SB 28--Insurance and Housing.

SB 29--Pensions and General Laws.

SB 30--Agriculture, Conservation, Parks and Tourism.

SB 31--Ethics.

SB 32--Labor and Industrial Relations.

SB 33--Ways and Means.

SB 34--Financial and Governmental Organi-zation.

SB 35--Ways and Means.

SB 36--Elections, Veterans' Affairs and Corrections.

SB 37--Local Government and Economic Development.

SB 38--Labor and Industrial Relations.

SB 39--Civil and Criminal Jurisprudence.

SB 40--Education.

SB 41--Education.

SB 42--Local Government and Economic Development.

SB 43--Financial and Governmental Organi-zation.

SB 44--Public Health and Welfare.

SB 45--Public Health and Welfare.

SB 46--Judiciary.

SB 47--Ways and Means.

SB 48--Insurance and Housing.

SB 49--Civil and Criminal Jurisprudence.

SB 50--Pensions and General Laws.

SB 51--Transportation.

SB 52--Ways and Means.

SB 53--Ways and Means.

SB 54--Elections, Veterans' Affairs and Corrections.

SB 55--Civil and Criminal Jurisprudence.

SB 56--Transportation.

SB 57--Ways and Means.

SB 58--Ways and Means.

SB 59--Education.

SB 60--Ways and Means.

SB 61--Agriculture, Conservation, Parks and Tourism.

SB 62--Pensions and General Laws.

SB 63--Ways and Means.

SB 64--Ways and Means.

SB 65--Ways and Means.

SB 66--Civil and Criminal Jurisprudence.

SB 67--Financial and Governmental Organi-zation.

SB 68--Ways and Means.

SB 69--Ways and Means.

SJR 1--Judiciary.

SJR 2--Judiciary.

SJR 3--Elections, Veterans' Affairs and Corrections.

SJR 4--Ways and Means.

SJR 5--Elections, Veterans' Affairs and Corrections.

SJR 6--Education.

SJR 7--Ways and Means.

SJR 8--Pensions and General Laws.

SJR 9--Pensions and General Laws.

SJR 10--Education.

SJR 11--Ways and Means.

SJR 12--Civil and Criminal Jurisprudence.

SJR 13--Civil and Criminal Jurisprudence.

SJR 14--Ways and Means.

SJR 15--Ways and Means.

SJR 16--Judiciary.

SJR 17--Ways and Means.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 261--By Howard.

An Act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to the treatment of tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

RESOLUTIONS

Senator Staples offered the following resolution, which was read and adopted:

WHEREAS, from time to time the members of the Missouri Senate pause to recognize the meritorious endeavors of exceptional young Missourians, a most delightful task which this legislative body embraces with great enthusiasm; and

WHEREAS, Deborah McDonald of Alton, Missouri, enjoyed the honor, glory, and distinction of being selected Miss Missouri 1998 last June; and

WHEREAS, the daughter of Helen and the late Bill McDonald, Deborah was born March 14, 1974, in West Plains, Missouri, and grew up with the love and companionship of two sisters, Rebecca Lynn and Rachel Suezan, and one brother, William Brian; and

WHEREAS, currently taking courses toward her doctorate at the University of Missouri, Deborah McDonald prevailed as the third runner-up in the Miss America Pageant where she won over \$30,000 in scholarships that aided her in graduating cum laude with a Bachelor's degree in Marketing and a Master's degree in Business Administration; and

WHEREAS, a charming young lady who graciously shares her intelligence, wisdom, and sense of humor, Deborah McDonald tours the state singing and fulfilling speaking engagements with schools, businesses, and civic groups; and

WHEREAS, prior to her reign as Miss Missouri, Deborah McDonald worked successfully as a radio personality on both talk radio and country stations, as a Promotions Director, and as an Account Executive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in extending our most hearty congratulations to Deborah McDonald upon her selection as Miss Missouri 1998 and in wishing her the best of luck throughout her reign and in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Miss Missouri 1998, Deborah McDonald.

INTRODUCTIONS OF GUESTS

Senator Staples introduced Miss Missouri 1998, Deborah McDonald, Alton.

Ms. McDonald assumed the dais and addressed the members of the Senate.

President Wilson resumed the dais.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 56, regarding Technical Education Week, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Cathy McDougall, St. Louis.

Senator Singleton introduced to the Senate, Kristen Tuohy, Seneca.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 13, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We gather once again to do the business of the Senate. Bless us with Your presence this day and walk with us through these corridors of responsibilities. Protect us from faithless fears and worldly anxieties, and grant that no clouds in this mortal life may hide from us the Light of Your immortal love which can guide us in trustworthy service in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 57, regarding Carol Ann Brown, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 58, regarding James E. Tuscher, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet legal minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, presently, 93 of 114 counties in Missouri are prohibited from adopting building codes. All of our citizens should be afforded the opportunity to have the protection that building codes provide; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code will be finalized in September, 1999, in St. Louis; and

WHEREAS, the International Building Code will be published in April, 2000; and

WHEREAS, the State of Missouri needs to be prepared for adoption of a single code by April, 2000:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby create the Governor's commission for the review and formulation of building code implementation; and

BE IT FURTHER RESOLVED that the members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two representatives appointed by the Speaker of the House of Representatives representing each political party, the Attorney General or his designee, the Director of the Department of Public Safety or his designee, the Director of the Department of Natural Resources or his designee, the Director of the Division of Design & Construction or his designee, and fourteen citizen members appointed by the Governor and qualified to serve, each representing at least one of the following areas: commissioner of a county of the third classification; registered architect; registered engineer engaged in building and construction; building official - urban; building official - small jurisdiction; fire protection district representative; Governor's Office for Employment of the Disabled; Seismic Safety Commission; Manufactured Housing Commission; general contractor; home builder; building/construction trades-urban; building/construction trades-rural; and the insurance industry; and

BE IT FURTHER RESOLVED that the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor shall appoint the members of the commission by June 1, 1999, and such commission shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED that the commission may solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make appropriate recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission is charged with developing and recommending the following: an administrative framework and funding method for a state building construction code; a complete package of construction codes that specifically excludes any zoning, land use or planning responsibility; a complete package of construction codes that specifically exempts all nonindustrial farm structures and residences; a method of adoption that enables counties of the third classification to participate; and methods for training and certifying code enforcers; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by December 1, 1999, and then shall be dissolved May 31, 2000; and

BE IT FURTHER RESOLVED that the expenses of commission members and legislative staff, the actual and necessary expenses of the commission, and the costs of any outside consultants necessary for the commission to complete its study shall be paid from the joint contingent fund for members of the general assembly, and from the Office of Administration for all other members; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of

its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 262-By Caskey.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to motor vehicle insurance.

SB 263-By Caskey.

An Act to repeal sections 303.020, 303.120 and 303.190, RSMo 1994, and sections 303.025 and 303.030, RSMo Supp. 1998, relating to motor vehicle insurance, and to enact in lieu thereof five new sections relating to the same subject.

SB 264-By Caskey.

An Act to repeal section 211.073, RSMo Supp. 1998, relating to juveniles, and to enact in lieu thereof one new section relating to the same subject.

SB 265-By Jacob.

An Act to repeal section 174.620, RSMo 1994, and section 174.610, RSMo Supp. 1998, relating to certain institutions of higher education, and to enact in lieu thereof six new sections relating to the same subject.

SB 266-By Klarich.

An Act relating to domestic relations.

SB 267-By Kenney.

An Act to repeal section 302.080, RSMo 1994, and sections 302.060 and 302.130, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof six new sections relating to the same subject.

SB 268-By Staples.

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

SJR 19-By Flotron and Sims.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri relating to the disposition of funds relating to certain legal settlements.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Duane Benton, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

	Present--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	Absent--Senator Singleton-- 1		
	Absent with leave--Senator Johnson-- 1		

On roll call the following Representatives were present:

Present--Representatives			
Abel	Akin	Alter	Auer
Backer	Ballard	Barnett	Barry (100)
Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Bonner
Boucher	Boykins	Bray (84)	Britt
Burton	Campbell	Carter	Champion
Chrismer	Cooper	Crump	Daniel (42)
Daniels (41)	Davis (122)	Davis (63)	Days
Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George
Gibbons	Graham (106)	Graham (24)	Gratz
Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler (123)	Hartzler (124)
Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelly (27)
Kennedy	King	Kissel	Klindt
Kreider	Lakin	Leake	Legan
Levin	Liese	Linton	Long
Luetkemeyer	Marble	May (108)	Mays (50)
McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald
O'Connor	Ostmann	Overschmidt	Patek
Pouche	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton (57)
Shields	Skaggs	Smith	Stokan
Summers	Surface	Thompson (37)	Thompson (72)
Townley	Troupe	Tudor	VanZandt

Vogel	Wagner	Ward	Wiggins
Williams (121)	Williams (159)	Wilson	Wright
Mr. Speaker--145			
Absent and Absent with Leave--Representatives			
Boatright	Cierpiot	Clayton	Crawford
Gross	Harlan	Kelley (47)	Koller
Lawson	Lograsso	Loudon	Luetkenhaus
O'Toole	Parker	Sallee	Schilling
Treadway-17			
Vacancies--1			

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Duane Benton, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

1999 State of the Judiciary

Wednesday, January 13, 1999

Mr. Speaker...Mr. President...Members of the 90th General Assembly:

"The life of the law has not been logic. The life of the law has been experience." So said Oliver Wendell Holmes - one of the most famous justices of the United States Supreme Court. It reminds me, though, of an old Missouri saying: "Experience is what you get, when you go looking for something else."

The first experience I should tell about - for the three new senators and 20 new representatives not here last year - is my own experience with the General Assembly. My first connection to state government was working as an intern right here in the House of Representatives. Later, while in law school, I drafted legislation for House members. More recently, the Senate confirmed me to four different positions on boards and in the executive branch of state government. I have been at hearings that seemed to last forever, and others that were seemingly over in seconds. On a personal note, I have enjoyed serving as Chief Justice for the past 18 months, and I look forward to my next six months in that capacity. I thank you for the hospitality you have shown, and appreciate my two opportunities to address you.

In this State of the Judiciary address, I want to report to you on the experience of the third branch of government, and how we together can build on that experience to improve the structure of the judiciary.

Twenty years ago, the General Assembly - at the request of the judiciary - examined our branch of government and proposed a constitutional amendment that reorganized the structure of Missouri courts from top to bottom. This became what is now Article V of the Constitution. Among other reforms, that new Article V unified the courts of this state and organized them into a hierarchical pyramid. As a result, the courts can better serve your constituents, and cases move through the system as they never had before. I am proud to tell you there are no case backlogs in Missouri courts. Your amendment has worked. For 20 years, there has been no major change in the structure of the judiciary. For example, during those two decades, we have handled more and more cases, but have had very few new judgeships created.

The Article V constitutional amendment took effect on January 2, 1979. Today, in 1999, based on 20 years experience, I present some changes to the structure of the judiciary that will help achieve our ultimate goal: the prompt access to justice by the people of this state from a judiciary second to none. As the insightful commentator Alexis de Tocqueville observed about a century and a half ago, Americans "consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be permanent; and Americans admit that what appears to them today to be good, may be superseded by something better tomorrow." This General Assembly - bridging the 20th and 21st centuries - can make some course corrections that will build an even better judiciary.

During this session, the judicial branch will ask you to make the clerk of each circuit court an appointed position. Election of circuit clerks no longer suits the needs of the modern judicial system. As late as when the 1979 constitutional amendment was adopted, circuit clerks were locally paid and had more discretion in the performance of their duties.

Twenty years ago, the General Assembly considered whether circuit clerks ought to be elected. The 1979 constitutional amendment left the matter open. As amended, the Constitution now reads: "Until otherwise provided by law, circuit clerks in each circuit and county shall be selected in the

same manner as provided by law on the effective date of this article...". The Constitution invites you to address this issue.

Today, circuit clerks are state employees, paid by the state, performing their duties to rigorous state standards. As a result, the position of circuit clerk has fewer and fewer discretionary duties. Missouri law details specifically how case files are handled, the deadlines for action, and how money is collected and disbursed. In contrast, county commissioners, sheriffs, prosecutors - among others - enjoy a great deal of discretion in carrying out their jobs. In accordance with court guidelines, the circuit clerk supervises data processing for the court, coordinates the court's staff, and docket cases for each judge. Additionally, by Missouri statute, circuit clerks must help citizens seeking domestic relations restraining orders, or requesting enforcement of visitation orders.

For those of you with in-district assistants, electing circuit clerks is like electing your in-district assistant. More generally, electing circuit clerks is like electing the Secretary of the Senate and the Clerk of this House. Legislative assistants and your clerks are highly responsible positions that ensure the day-to-day functioning of the General Assembly. They have many administrative duties that do not end when session ends. Your assistants have few discretionary duties, but instead carry out their jobs subject to your direction as the elected decision-maker. No one should seriously recommend that these legislative clerks be elected by the voters of Missouri.

More to the point, there is no training program or background that qualifies a person to be a legislative clerk or district assistant - they have to be appointed to the position and "learn on the job". Similarly, there is no training program or background that qualifies a person to be a circuit clerk, other than on the job experience.

The time has come for Missouri to join the growing number of states that appoint most of their judicial administrators. Missouri spends a great deal of state money and time in order to train newly elected circuit clerks to fulfill the requirements of their jobs. We should not lose a highly trained employee after just four years, often to someone with no background or qualifications for the job.

Last week, I met with the leadership of the Circuit Clerks Association. While there are differences of opinion and degrees of commitment, about two-thirds of the circuit clerks themselves believe that their positions should be appointed. On behalf of the Judicial Conference, I endorse legislation to make the position of circuit clerk appointed rather than elected.

A second structural issue is the position of commissioner in the circuit courts of this state. In commendable efforts, in various areas of the law, the General Assembly has enacted legislation that commissioners, rather than judges, hear certain types of cases. Currently, Missouri law establishes commissioners in certain counties and circuits to hear probate, juvenile, domestic relations, drug-related, traffic-related and landlord/tenant cases. There are now over two dozen (26, to be exact) full-time circuit court commissioners in this state, and a couple of part-time commissioners.

These commissioners have served well, meeting the needs of your constituents in a number of critical areas. Commissioners have gone beyond the courthouses to serve the people, such as in St. Louis County, where traffic court commissioners hear cases all over the county. Juvenile court commissioners hear cases at juvenile centers and other settings away from the main courthouses.

However, as the number of commissioners has multiplied, the challenges to their authority have also increased. The 1979 constitutional amendment simply does not anticipate commissioners acting as judges. Serious questions have been presented to the Supreme Court regarding the authority of circuit court commissioners to sign final court judgments, to issue warrants and to take other judicial action. These questions continue to be raised. In disapproving Senate Bill 614 last year, the Governor questioned the wisdom of extending judicial authority to persons not selected as are other trial court judges.

I am pleased to stand with the Governor and call for the conversion of circuit court commissioners to judges. Conversion could take place no later than the expiration of the current commissioners' terms. This legislation has almost no cost, since commissioners are paid at the same level as judges. Passage of this legislation will eliminate the nagging questions about those who decide the people's cases.

As I travel the state of Missouri as Chief Justice, when I walk the halls of this building, I am frequently asked about court automation. No project will enable the judiciary to better serve your constituents than new court technology. Court automation allows the judicial system to operate efficiently within the structure mandated in 1979. You are to be commended for recognizing the needs of your constituents by enacting and continuing to support the automation of the courts. Missouri is now recognized as the leader in the country in computerizing our law enforcement and courts.

The federal government searched the states last fall for a site to experiment with linking juvenile officers, in order to study the effect on juvenile crime. They quickly settled on Missouri as a model for the nation. Now all juvenile offices through the state are linked. A local juvenile officer can ask all other juvenile officers about the history and status of particular juvenile offenders, in order to tailor services for a specific juvenile. Congress also chose Missouri as the state to pioneer a database that collects background information on juvenile offenders.

Public access to case files on the Internet has made its debut. In Jackson County, the public can access on-line probate information. Court automation is developing a system for all citizens to access court dockets without having to visit the courthouse. The Eastern District of the Court of Appeals will have electronic access to its case files within the next month.

The Eastern District Court of Appeals can have such public access because... that court is the first appellate court in America to use the same case management system as is used in the trial courts. Other states' courts have to convert data from the trial courts' systems, to the system used by the appellate court. Missouri has adapted the same case management for both trial courts and appellate courts.

As I reported last year, we are now installing court automation throughout the state. The groundwork has been laid for an automated judicial system that will be the national model for some time to come.

I should address other items before you this year. Several filed bills would exclude various persons from jury service. This issue was addressed in the 1995 report of The Advisory Commission on the Organization of the Judicial Department, a commission appointed by the governor. That Commission noted "jury service is an obligation and privilege of citizenship from which no eligible citizen should be disqualified or exempt." The Commission also said, "The ability to be excused upon request contributes substantially to reducing a representative jury since it is likely that those who can avoid jury service will do so." I request that the General Assembly most carefully consider legislation excluding any person from jury service, in order to preserve one of the great hallmarks of our justice system: the right to trial by a jury representative of the community.

But I do recommend that you lessen the burden of jury service. Juror compensation is a glaring shortfall. The Supreme Court recently hosted a diverse citizen's group of educators, law enforcement, community leaders and others to solicit changes in the judiciary to meet the needs of Missourians into the 21st century. This group cited inadequate juror pay as a major challenge in Missouri justice. This issue was also noted in 1995 by the Governor's Advisory Commission I earlier mentioned. Statutory minimum jury compensation remains \$6 per day, and has been so since 1957 - for over 41 years. Such minimal pay causes many of your constituents to avoid juror service due to the financial hardship of serving on a jury.

Inadequate juror compensation most hurts those called for lengthy jury trials. The National Center for State Courts has proposed that the states adopt legislation that keeps low levels of juror compensation for short service, say 2 or 3 days, but then dramatically increases juror payment for longer service. I am pleased to report that the average length of a jury trial in Missouri is less than 3 days, so an increase in compensation beyond such a point could ease juror hardship while not greatly increasing total jury expenses. Again, I am pleased that proposals to improve jury compensation are serious this year.

I began my remarks by referring to the "life of the law", which is not logic, but is experience. Another definition of law also focuses on experience and links it to the "goal of the law". Samuel Johnson, a non-attorney author, defined law as, "the last result of human wisdom, acting upon human experience, for the benefit of the public." From experience, we know the unified court system of 1979 has well served your constituents for the last 20 years. Experience shows that some course corrections will make the courts even better able to serve the needs of the public for years to come.

Have a great session!

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 269-By Scott.

An Act to repeal section 572.010, RSMo 1994, relating to amusement machines, and to enact in lieu thereof one new section relating to the same subject.

SB 270-By Ehlmann.

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

SB 271-By Ehlmann.

An Act to repeal section 474.310, RSMo 1994, relating to wills, and to enact in lieu thereof one new section relating to the same subject.

SB 272-By Ehlmann.

An Act to repeal section 249.645, RSMo 1994, relating to sewer district service, and to enact in lieu thereof one new section relating to the same subject.

SB 273-By Ehlmann.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to elections.

SB 274-By House, Kinder, Yeckel, Rohrbach, Kenney, Westfall, Steelman, Childers, Graves, Russell, Scott, Klarich, DePasco, Stoll, Flotron, Wiggins, Mueller, Bentley and Ehlmann.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to infanticide including protecting children from what is commonly known as partial birth abortion, with penalty provisions.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 59, regarding the Honorable Ken Vogel, Mayor of the City of Sunset Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 60, regarding Brett Syberg, which was adopted.

Senator Yeckel offered Senate Resolution No. 61, regarding Cotter Lumley, which was adopted.

Senator Yeckel offered Senate Resolution No. 62, regarding Debbie Sears, which was adopted.

Senator Yeckel offered Senate Resolution No. 63, regarding St. Anthony's Medical Center, St. Louis County, which was adopted.

CONCURRENT RESOLUTIONS

Senators Scott, Clay and Banks offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, the members of the Missouri General Assembly always deem it fitting and proper to memorialize significant events which occur in the State; and

WHEREAS, the 1998 professional baseball season is one which will long be remembered by the baseball fans; and

WHEREAS, 1998 was a season which produced an exciting contest between Mark McGwire of the St. Louis Cardinals and Sammy Sosa of the Chicago Cubs to establish a new major league home run record; and

WHEREAS, the attention of all baseball fans was directed toward the home run struggle which culminated in a new record being established by Mark McGwire; and

WHEREAS, on the way to setting a single season record of seventy home runs, Mark McGwire established numerous other records, among which was his becoming the first major league baseball player to have three consecutive fifty home run seasons; and

WHEREAS, when our nation was being distracted by other problems of varying importance, the 1998 baseball season gave many Americans a pleasurable focus:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of

Representatives concurring therein, hereby join unanimously in honoring Mark McGwire of the St. Louis Cardinals, by designating the portion of Interstate Highway 70 from Market Street to the Missouri River as the "Mark McGwire Highway" in commemoration of Mark McGwire's record setting 70 home run season; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Mark McGwire in recognition of his outstanding achievements and for the Missouri Department of Transportation.

Senator Ehlmann offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, the State of Missouri has sued various tobacco manufacturers and tobacco-related companies on causes of action including violations of the Missouri Merchandising Practices Act, antitrust, unjust enrichment and restitution, indemnity for health care costs, civil conspiracy, aiding and abetting other tobacco companies in all violations, strict liability for a dangerous product, negligence, fraud, public nuisance, and injunctive relief against unfair or unlawful practices; and

WHEREAS, in recognition of the difficulties and expense of protracted litigation over these causes of action, the State of Missouri has conditionally entered into a Master Settlement Agreement with the various tobacco manufacturers and tobacco-related companies, which will result in the receipt of approximately \$6.7 billion by the State of Missouri over the next 25 years; and

WHEREAS, these tobacco settlement proceeds resulting from the Master Settlement Agreement have been repeatedly characterized in the press by members of the Governor's staff and the State Budget Director as representing either reimbursement for past health-related expenditures or federal funds, and as such as falling outside the definition of "total state revenues" under the Hancock Amendment to the Missouri Constitution; and

WHEREAS, the Master Settlement Agreement clearly states that "All payments...are in settlement of all...antitrust, consumer protection, common law negligence, statutory, common law and equitable claims for monetary, restitutionary, equitable and injunctive relief alleged"; and

WHEREAS, the Master Settlement Agreement further specifies that "Each participating manufacturer specifically disclaims and denies any liability or wrongdoing whatsoever with respect to the claims and allegations asserted against it" and further states that "Each participating manufacturer has entered into this Agreement solely to avoid the further expense, inconvenience, burden and risk of litigation"; and

WHEREAS, these provisions clearly state that the various tobacco manufacturers and tobacco-related companies are not reimbursing the State of Missouri for any expenses but have instead agreed to make the payments in return for having the State of Missouri "release past, present and future claims"; and

WHEREAS, these provisions further undercut any rational argument that the tobacco settlement proceeds constitute federal funds; and

WHEREAS, the tobacco settlement proceeds, when received by the State of Missouri, will be deposited into the state treasury and will then be subject to appropriation, meeting the requirement for "total state revenues" as held by the Supreme Court of Missouri in the *Kelly v. Hanson* decision; and

WHEREAS, characterization of the tobacco settlement as a reimbursement could result in a federal lien for sixty percent of the proceeds since sixty percent of Medicaid funding comes from the Federal Government; and

WHEREAS, the importance of this issue requires a full and fair debate among the members of the General Assembly; and

WHEREAS, failure by the administration to treat the tobacco settlement proceed as "total state revenue" will lead to protracted and expensive litigation;

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, recommend to His Excellency the Governor that the State Budget Director treat tobacco settlement proceeds as total state revenue and include it in any refund required by the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for His Excellency the Governor.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Haryette "Henri" Goettel, 2828 Teepee, Independence, Jackson County, Missouri 64057, as a member of the Child Abuse and Neglect Review Board, for a term ending April 28, 2001, and until her successor is duly appointed and qualified; vice, Dr. Peggy Pearl, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lee A. Richardson, Jr., D.C., 11801 Troost Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles B. Keller, IV, Republican, 3179 County Road 329, Palmyra, Marion County, Missouri 63461, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2000, and until his successor is duly appointed and qualified; vice, John Wood, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry D. Furbeck, Republican, 22420 Jordan Road, Dearborn, Platte County, Missouri 64439, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2001, and until his successor is duly appointed and qualified; vice, Galen McPheeters, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peter W. Hofherr, Democrat, 11876 County Road 5220, Rolla, Phelps County, Missouri 65401, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2001, and until his successor is duly appointed and qualified; vice, Amy Hamilton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles E. Braithwait, Democrat, 202 James Drive, Clinton, Henry County, Missouri 64735, as a member of the Missouri Housing Development Commission, for a term ending October 6, 2000, and until his successor is duly appointed and qualified; vice, Thomas Becker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christopher J. Maglio, 2001 West Missouri, Post Office Box 360, Kirksville, Adair County, Missouri 63501, as a member of the State Committee of Psychologists, for a term ending August 29, 2002, and until his successor is duly appointed and qualified; vice, Elizabeth Kraemer, resigned. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary L. Bruntrager, 540 Hickory Ridge Court, Des Peres, St Louis County, Missouri 63131, as a public member of the Missouri Board for Architects, Professional Engineers, and Land Surveyors, for a term ending August 16, 2002, and until her successor is duly appointed and qualified; vice, Sharon Thomas, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

L. Kirby VanAusdall, Democrat, 844 State Highway U, Box 142, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2000, and until his successor is duly appointed and qualified; vice, Arthur Duncan, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Quick referred **SCR 4** to the Committee on Rules, Joint Rules and Resolutions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 128--Judiciary.

SB 193--Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Jack, Sherry and Jeffrey Hale, Poplar Bluff; and Jeffrey was made an honorary page.

On behalf of Senator Rohrbach and himself, Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Donald J. Allcorn, M.D., Sedalia.

Senator Rohrbach introduced to the Senate, Joe Kennedy, Boonville.

Senator Bentley introduced to the Senate, Cynthia Brookshire, Springfield.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 14, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: Be with us as we seek to wrap things up for this week making things easier for the week to come. As we set out to travel this day we remember how You led Sarah and Abraham on their pilgrimage and the People of Israel through the wilderness and by a star led Wise Men to Your presence among us, protect us on our way and guide all who travel this day bringing us to a joyous homecoming. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Ehlmann	Johnson	Singleton--3	
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

RESOLUTIONS

On behalf of Senator Johnson and himself, Senator Quick offered Senate Resolution No. 64, regarding Fred A. "Tommy" Thomson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 65, regarding the death of Marion F. Strickland, Florissant, which was

adopted.

Senators DePasco and Kenney offered Senate Resolution No. 66, regarding the Honorable Rondell F. "Ron" Stewart, Mayor of the City of Independence, which was adopted.

Senator Wiggins offered Senate Resolution No. 67, regarding the deaths of Cecil Charles Stowers, Jr., Tracy Lynette Stowers and Sydney Lynette Stowers, Kansas City, which was adopted.

Senator Maxwell offered Senate Resolution No. 68, regarding Nancy Anderson Ekern, Mexico, which was adopted.

Senator Caskey offered Senate Resolution No. 69, regarding the One Hundredth Birthday of Mrs. Ruth Ann Wainscott, Walnut Grove, which was adopted.

CONCURRENT RESOLUTIONS

Senator Clay offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, Dr. George Washington Carver was born the son of slaves near Diamond Grove, Missouri, on or about July 12, 1861; and

WHEREAS, while still an infant, his father was killed, and he and his mother were kidnaped from their master Moses Carver. Moses Carver bought back George from his captors for a horse valued at \$300; and

WHEREAS, as a child whom the Carvers called "George Washington", he had an inquiring mind and instinctive knowledge of plants and the Carvers encouraged him to study and get an education; and

WHEREAS, at the age of ten, George Washington Carver left his home with the Carvers to enroll in a one-room school in Neosho, Missouri, and when he learned all this school had to teach him, he moved to Minneapolis, Kansas, where he completed high school, supporting himself by doing odd jobs; and

WHEREAS, George Washington Carver attended Simpson College, at Indianola, Iowa, and later attended and graduated from the Iowa State College of Agriculture and Mechanical Arts, with a Bachelor of Science degree and a Master of Science degree;

WHEREAS, in 1898, George Washington Carver was asked by Booker T. Washington to join the staff of Tuskegee Institute, Alabama, where he happily remained until his death; and

WHEREAS, Dr. Carver found that the land in Alabama was exhausted by the cultivation of cotton and he discovered that peanuts and sweet potatoes would yield productive crops in the Alabama soil and create new income for the state; and

WHEREAS, because there was little knowledge or use for peanuts and sweet potatoes Dr. Carver began experiments which led to the inventions of more than 300 by-products of peanuts and sweet potatoes; and

WHEREAS, his contributions to the field of agricultural chemistry included the inventions of: salad oil, peanut butter, and dyes of 19 different shades from peanuts; stains and face powder from clays; flour and shoe blacking polish from sweet potatoes; paving blocks from cotton; dyes from dandelions, tomato vines and trees; and

WHEREAS, Dr. George Washington Carver died on January 5, 1943; and

WHEREAS, January 5th was designated as a "recognition day" in honor of Dr. George Washington Carver by the 79th United States Congress and President Harry S Truman; and

WHEREAS, although passed by Congress in 1945, Dr. George Washington Carver is not given the special recognition that he so richly deserves on January 5th or any other day:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby establishing January 5th as "George Washington Carver Day" in the state of Missouri, to honor him for his many humanitarian contributions and scientific discoveries he made in the agricultural industry; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor requesting that he declare by proclamation, January 5th as "George Washington Carver Day" in the state of Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 275-By Caskey.

An Act to repeal section 56.755, RSMo 1994, and section 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof two new sections relating to the same subject.

SB 276-By Caskey.

An Act to repeal section 360.060, RSMo 1994, and sections 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to the health and educational facilities authority, and to enact in lieu thereof four new sections relating to the same subject.

SB 277-By Russell.

An Act to repeal sections 253.081 and 253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 278-By Klarich.

An Act to repeal section 456.120, RSMo 1994, relating to limited liability companies, and to enact in lieu thereof one new section relating to the same subject.

SB 279-By Bland.

An Act to amend chapter 376, RSMo, relating to health insurance, by adding thereto one new section relating to mandatory coverage for hospital stays following surgery.

SB 280-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211 and 143.241, RSMo 1994, and section 143.221, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof eighteen new sections for the purpose of establishing a general assembly scholarship program, with an effective date.

SB 281-By Bland.

An Act relating to consumer choice of health care providers.

CONCURRENT RESOLUTIONS

Senators Mueller, Singleton, Childers, Kenney, Yeckel, Westfall, Sims, Rohrbach and Bentley offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

An act by concurrent resolution to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the members of the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1998; and

WHEREAS, The Revisor of Statutes has received the 1998 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1998; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly by February 1, 1999; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby reject the 1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1998.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 282-By Clay, Yeckel and Goode.

An Act relating to tax credits for home renovation and development in certain areas.

SB 283-By Clay.

An Act to repeal section 143.171, RSMo 1994, and section 144.030, RSMo Supp. 1998, relating to sales and use tax, and to enact in lieu thereof two new sections relating to the same subject, with an effective date and with a referendum clause.

SB 284-By Yeckel.

An Act to amend chapters 162 and 164, RSMo, by adding thereto two new sections relating to school district ballot proposals.

SB 285-By Yeckel.

An Act to repeal section 130.043, RSMo Supp. 1998, relating to campaign finance disclosure reports, and to enact in lieu thereof one new section relating to the same subject.

SB 286-By Maxwell.

An Act to repeal section 169.070, RSMo Supp. 1998, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

SB 287-By Maxwell.

An Act to repeal section 137.100, RSMo 1994, relating to property tax, and to enact in lieu thereof one new section relating to the same subject.

SB 288-By Quick, Maxwell, Mathewson, Goode, Staples, Stoll, Howard, Scott, Schneider, Wiggins, House, Banks, DePasco, Bland, Clay, Jacob and Johnson.

An Act relating to the Missouri settlement trust fund.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator DePasco submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 193**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James W. Spradling, Sherry Hale, Melinda Kaye Elmore, Aurita Prince Caldwell, Edna L. Chavis, Gary N. Stevens, Eleanor B. Schwartz, James D. Jackson, Melodie A. Friedebach and Dianne L. Tackett, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Alise Martiny-Byrd, Michael E. O'Mara, James N. "Jim" Jackson, Russell E. McCampbell, Richard S. Hendin, Dale L. Gibson, George Eberle, Jr., Fred W. Grayson and Joseph L. Driskill, as members of the Missouri Training and Employment Council;

Also,

Claudetta Y. Feemster, as a public member of the State Committee of Marital and Family Therapists;

Also,

Carol Jo Cummings and Lorri J. Sheets, as members of Child Abuse and Neglect Review Board;

Also,

Cynthia N. Brookshire, as a member of the Missouri Board of Geologist Registration;

Also,

Sylvia R. Shead, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Betty Lou Cunningham, Marilyn E. Daffer, Walter L. Friedhofen, Betty R. Marver, Emmy L. McClelland and Barbara L. Wolken, as members of the Missouri Community Service Commission;

Also,

John A. Birch, as Chairman of the State Board of Mediation;

Also,

Fredrick S. "Tommy" Thomson, as a member of the Kansas City Area Transportation Authority;

Also,

Wayne K. Mueller and Daniel J. Abbott, as members of the Board of Boiler and Pressure Vessel Rules.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

COMMUNICATIONS

Senator Quick submitted the following hearing schedule:

SENATE HEARING SCHEDULE

90TH GENERAL ASSEMBLY

1ST REGULAR SESSION

January 14, 1999

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce & Environment- SL (Maxwell)	Civil & Criminal Jurisprudence- SCR 2 (Caskey)	Rules, Jt. Rules & Resolutions- SL (DePasco)
9:00 a.m.		Aging, Families & Mental Health-SCR 2 (Howard)	Gubernatorial Appointments - SL (Quick)	
11:00 a.m.	_____	Labor & Ind. Relations- SCR 1 (Bland)	Elections, Veterans' Affairs & Corr.-SCR 1 (Stoll)	
1:30 p.m.		Transportation- SL (Staples)	Agriculture, Cons., Parks & Tourism-SL (Johnson)	
2:00 p.m.	Financial & Gov. Organ. - SL (Clay)	Local Gov. & Economic Dev. - SCR 2 (Mathewson)	Education-SCR 2 (House)	
2:30 p.m.			Judiciary - SL (Schneider)	
3:00 p.m.		Pensions & General Laws- SL (Scott)	Insurance & Housing-SCR 1 (Jacob)	
8:00 p.m.	Public Health & Welfare - SL (Banks)	Ways & Means- SL (Wiggins)		
	SL - Senate Lounge SCR 1 - Senate Committee Room 1, Room 118 SCR 2 - Senate Committee Room 2, Room 119			

RESOLUTIONS

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 70

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and seven division level directors to be compensated according to Office of Administration guidelines for compensation of division directors; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
4	Staff Attorney II	2,607 - 4,145
2	Senior Staff Attorney	3,206 - 5,166
1	Research Analyst II	2,607 - 4,145
1	Senior Research Analyst	3,206 - 5,166
1	Investigator	2,505 - 3,882
7	Research Staff Secretary	1,907 - 2,831
5	Budget Research Analyst II	2,607 - 4,145
4	Assistant Secretary of Senate	2,225 - 3,413
5.5	Enrolling & Engrossing Clerk	1,836 - 2,661
1	Billroom Supervisor	1,836 - 2,661
1.5	Billroom Clerk	1,295 - 1,901
3	Public Information Specialist I	1,836 - 2,661
2	Public Information Specialist II	1,979 - 2,947
3	Administrative Assistant	1,500 - 5,340
2	Executive Assistant	1,500 - 5,222
1	Telecommunications Coordinator	2,312 - 3,561
3	Accountant	1,907 - 2,831
7	Administrative Secretary	1,500 - 3,512
7	Clerical Assistant	1,500 - 2,859
1	Messenger	1,438 - 1,901
1	Data Control Coordinator	2,057 - 3,074
3	Computer Info. Technology Spec. II	3,345 - 5,522
1	Computer Info. Technology Spec. III	3,489 - 5,778
1	Computer Info. Technologist III	2,719 - 4,329
1	Computer Operator II	1,770 - 2,555
2	Computer Operator III	2,057 - 3,074
4	Data Entry Operator III	1,590 - 2,225
1	Graphics Supervisor	1,907 - 2,831
3	Composing Equipment Operator III	1,711 - 2,661
1	Mailroom Supervisor	1,836 - 2,661
3	Duplicating Equipment Operator I	1,390 - 1,829
1	Duplicating Equipment Operator II	1,547 - 2,087
3	Duplicating Equipment Operator III	1,708 - 2,408
1	Duplicating Equipment Operator IV	1,836 - 2,661
1	Photographer	2,139 - 3,206
0.25	Physical Plant Supervisor	1,830 - 3,579
1	Maintenance Supervisor	1,907 - 2,831
1	Carpenter II	1,770 - 2,555
6.5	Custodian II	1,295 - 2,010
2	Custodian III	1,492 - 2,225
1	Sergeant at Arms (Elected)	2,057 - 3,074
0.5	Doorkeeper (Elected)	1,000 - 2,087
3	Assistant Doorkeeper	800 - 1,543

0.5	Reading Clerk	750 - 1,692
0.5	Chaplain	500 - 890
3	Security Guard	1,438 - 2,010

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2000.

SENATE BILLS FOR PERFECTION

Senator Schneider requested unanimous consent of the Senate that the rules be suspended for the purpose of taking up **SB 128**, with **SCS**, for perfection, which request was granted.

Senator Schneider moved that **SB 128**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 128**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 128

An Act to repeal section 105.464, RSMo Supp. 1998, relating to judiciary, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Schneider moved that **SCS** for **SB 128** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 128, Page 1, Section 105.464, Line 10, by inserting after "conduct" the words: "as defined on the effective date of this act".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS** for **SB 128**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 128**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senators Rohrbach, Clay and Banks offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 71

WHEREAS, the members of the Missouri Senate were deeply saddened by the death of longtime Missouri resident, minister, and social activist, the Reverend David Lee Brent, on January 9, 1999; and

WHEREAS, David Lee Brent was born on June 27, 1929, to Will B. and Annie Mae Foreman Brent in Forest City, Arkansas; and

WHEREAS, after his 1946 graduation from Benton Harbor High School, David Brent graduated from Chicago's prestigious Moody Bible Institute in 1957 and continued his studies at the Southern Baptist Theological Seminary in Georgia, where he earned a Master's degree and a Doctorate in theology; and

WHEREAS, co-pastor of Second Christian Church, the Reverend David Brent served several churches in the Show-Me State, held licensure as an insurance agent, and worked for the Missouri Department of Mental Health for twenty-eight years until his retirement in 1989 as Chief Human Relations Officer; and

WHEREAS, the Reverend David Brent distinguished himself as a member of the St. Louis Council on Human Rights, as President of the Jefferson City branch of the National Association for the Advancement of Colored People, as co-founder of the Christians United for Racial Equality and the Black Ministerial Alliance, and as a U.S. Air Force veteran, who held membership in Tony Jenkins American Legion Post 231; and

WHEREAS, only too familiar with the personal tragedy involved in the loss of a spouse and of a grandson, David Lee Brent found much love and support in his 1971 marriage to Estella Bryant, who survives him; and

WHEREAS, the death of David Brent is mourned by numerous friends, colleagues, and most of all, by an extended family which consists of sons David Lee Brent, Jr., and William Joseph Brent, Sr.; daughters Patricia Diane Brent, Mary Antona Brent, Jean Daveyette Brent, Michele Dominique Sherrod-Brent, and Christina Deanne Sherrod-Brent; a brother; three sisters; six grandchildren; and three great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to extend heartfelt condolences to the family and friends of the late Reverend David Lee Brent at this difficult time of bereavement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Reverend David Lee Brent, as an expression of our sorrow.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 289--By Goode, Flotron, Scott, Sims, Clay and Schneider.

An Act to repeal section 162.895, RSMo 1994, and sections 162.856, 162.857 and 162.867, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

SB 290--By House.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the enrollment incentive fund.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 70--Judiciary.

SB 71--Local Government and Economic Development.

SB 72--Local Government and Economic Development.

SB 73--Judiciary.

SB 74--Ways and Means.

SB 75--Ways and Means.

SB 76--Financial and Governmental Organi-zation.

SB 78--Pensions and General Laws.

SB 79--Education.

SB 80--Ways and Means.

SB 81--Commerce and Environment.

SB 82--Commerce and Environment.

SB 83--Insurance and Housing.

SB 84--Transportation.

SB 85--Elections, Veterans' Affairs and Corrections.

SB 86--Civil and Criminal Jurisprudence.

SB 87--Civil and Criminal Jurisprudence.

SB 88--Elections, Veterans' Affairs and Corrections.

SB 89--Pensions and General Laws.

SB 90--Elections, Veterans' Affairs and Corrections.

SB 91--Labor and Industrial Relations.

SB 92--Judiciary.

SB 93--Judiciary.

SB 94--Civil and Criminal Jurisprudence.

SB 95--Agriculture, Conservation, Parks and Tourism.

SB 97--Public Health and Welfare.

SB 98--Public Health and Welfare.

SB 99--Insurance and Housing.

SB 100--Civil and Criminal Jurisprudence.

SB 101--Labor and Industrial Relations.

SB 102--Commerce and Environment.

SB 103--Financial and Governmental Organi-zation.

SB 104--Ways and Means.

SB 105--Ways and Means.

SB 106--Transportation.

SB 107--Ways and Means.

SB 108--Labor and Industrial Relations.

SB 109--Insurance and Housing.

SB 110--Judiciary.

SB 111--Judiciary.

SB 112--Civil and Criminal Jurisprudence.

SB 113--Public Health and Welfare.

SB 114--Civil and Criminal Jurisprudence.

SB 115--Transportation.

SB 116--Pensions and General Laws.

SB 117--Ways and Means.

SB 118--Commerce and Environment.

SB 119--Transportation.

SB 120--Insurance and Housing.

SB 121--Commerce and Environment.

SB 122--Insurance and Housing.

SB 123--Financial and Governmental Organi-zation.

SB 124--Commerce and Environment.

SB 125--Financial and Governmental Organi-zation.

SB 126--Aging, Families and Mental Health.

SB 127--Insurance and Housing.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 128**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SCR 5** and **SCR 7** to the Committee on Rules, Joint Rules and Resolutions.

The following concurrent resolution was read the 2nd time and referred to the committee indicated:

SCR 6--Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 72, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Mitchell, Aldrich, which was adopted.

Senator Westfall offered Senate Resolution No. 73, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Cornell, Bolivar, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Sheriff Mike Cochran and Chris Miller, Ripley County.

Senator Russell introduced to the Senate, James Divincan and Jeff Green, Osage Beach.

Senator Schneider introduced to the Senate, former State Senator, Judge Jeff Schaeperkoetter.

Senator Mathewson introduced to the Senate, Brandon Boyd, Columbia.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 18, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 18, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We gather once again to pray that You will give us a reverent sense of Your presence that we may be at peace as we discern the work that faces us this week. Grant us the discipline and management of our time and work that we may accomplish the greatest good through maximum efficiency with minimum effort. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 14, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Clay Scott--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 74, regarding Chester T. Koper, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 75, regarding the Monsanto Company, which was adopted.

Senator DePasco offered Senate Resolution No. 76, regarding Veronica Powell, Sugar Creek, which was adopted.

Senator Mathewson offered Senate Resolution No. 77, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Leroy Tye, Odessa, which was adopted.

Senator Steelman offered Senate Resolution No. 78, regarding the One Hundred Fifth Birthday of Ellen Smith, Owensville, which was adopted.

Senator Caskey offered Senate Resolution No. 79, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Louis Eckhardt, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 80, regarding the death of Harry Mills, Clinton, which was adopted.

Senator Jacob offered Senate Resolution No. 81, regarding National Eye Care Month, which was adopted.

Senator Steelman, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 82

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize the Reverend G. Dale Norfolk, a cherished resident of Holts Summit, Missouri, who has distinguished himself as a devout servant of the Lord for many years; and

WHEREAS, born and raised in Hannibal, Missouri, Pastor Norfolk attended Hannibal High School and earned undergraduate degrees from both Hannibal LaGrange College and Culver Stockton College, a Master's degree from the Missouri School of Religion, and a Master's degree in English education from Lincoln University; and

WHEREAS, ordained to the gospel ministry in 1952, the Reverend Dale Norfolk pastored his first congregation at the Noix Creek Baptist Church in Louisiana, Missouri, when he was just seventeen, since which time he has served as pastor to the families of Pleasant View Baptist Church in Liberty, Illinois; Prairie Grove Baptist Church in Columbia, Missouri; Grand Prairie Baptist Church in Auxvasse, Missouri; and the Union Hill Baptist Church in Holts Summit, Missouri, where he touched the lives of countless individuals through twenty years of dedicated service; and

WHEREAS, Pastor Norfolk achieved tremendous personal success as the Public Relations Director for the Missouri Baptist Children's Home, in which capacity he initiated several programs, wrote numerous articles, and spoke in nearly 1,000 Missouri Baptist Churches until his retirement in 1998; and

WHEREAS, the Reverend Dale Norfolk served as Chaplain of the Missouri Senate for twenty-six years, during which time he offered numerous words of encouragement to Senate members, officiated at funerals and weddings for many of the Senate staff members, and worked with Senator Norman Merrell to establish a Senate prayer breakfast; and

WHEREAS, a coach of elementary school basketball teams for most of his life, Pastor Norfolk served as a member of the board of Hannibal LaGrange College for eight years, as the host of his own radio program on KFAL in Fulton for sixteen years, as a state and local officer in Baptist organizations throughout the state, and as a member of the Governor's Prayer Breakfast Committee for six years; and

WHEREAS, Dale Norfolk has been abundantly blessed with the love and support of his wonderful family which includes his devoted wife of forty-five years, Barbara Damron Norfolk; his two children, Dennis and Lori; and his two grandchildren, Harmony and Bryan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our most sincere appreciation to Dale Norfolk for his many years of unparalleled service to the ministry, and in wishing him only the very best as he continues to serve the Christian mission; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Reverend G. Dale Norfolk, as a measure of our esteem for him.

President Wilson assumed the Chair.

Senator Quick moved that **SR 70** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 70** was adopted.

Senator Klarich offered the following resolution, which was read:

SENATE RESOLUTION NO. 83

WHEREAS, more than forty States, including Missouri, commenced litigation asserting various claims for monetary, equitable and injunctive relief against certain tobacco product manufacturers and others as defendants; and

WHEREAS, several States, including Missouri, entered into fee agreements with private outside counsel to commence and prosecute these various claims; those fee agreements calling for varied methods of compensation for the private outside counsel; and

WHEREAS, defendant tobacco manufacturers denied all of the States' allegations of unlawful conduct or wrongdoing and asserted a number of defenses to the States' claim; and

WHEREAS, State officials, including Missouri Attorney General Jay Nixon, believed that entry into a Settlement Agreement and uniform consent decrees with the tobacco industry concerning their respective lawsuits and potential claims would secure terms favorable for the States, including Missouri and its citizens; and

WHEREAS, State officials, including Missouri Attorney General Jay Nixon or his designee, executed the Master Settlement Agreement on behalf of the States, and specifically Missouri, and further have been seeking court approval for the Master Settlement Agreement; and

WHEREAS, since execution of the Master Settlement Agreement many questions have surfaced regarding the language of the settlement agreement, including but not limited to questions surrounding the payment of private outside counsel; and

WHEREAS, the Missouri Senate requires prompt and factual information to discharge its duty under law to pass legislation, including but not limited to those acts required under the Master Settlement Agreement, and in addition requires this knowledge to properly discharge its duty in the appropriations process which is now in motion:

NOW, THEREFORE, BE IT RESOLVED that the President Pro Tem of the Missouri Senate create a select committee to be composed of seven members of the Senate, appointed by the President Pro Tem to study tobacco and the effects of the Master Settlement Agreement; and

BE IT FURTHER RESOLVED that the committee shall consider bills or resolutions relating to tobacco and the Master Settlement Agreement, and may call witnesses if it deems necessary; and

BE IT FURTHER RESOLVED that the committee be instructed to prepare a report for submission to the President Pro Tem of the Senate by March 1, 1999.

CONCURRENT RESOLUTIONS

Senators DePasco, Wiggins and Quick offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, requests the President of the United States to commence immediate study to determine the entry into the customs territory of the United States of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to Bill Clinton, President of the United States.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 291-By Caskey.

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof sixteen new sections relating to the same subject.

SB 292-By Sims.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to health care facilities.

SB 293-By Staples.

An Act to repeal section 67.582, RSMo Supp. 1998, relating to law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

SB 294-By Staples.

An Act to repeal section 302.020, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 295-By Schneider, DePasco, Banks, Klarich, Wiggins, Steelman and Ehlmann.

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SB 296-By Wiggins, House, Stoll, Schneider, Scott, DePasco, Klarich, Flotron, Rohrbach, Mueller and Steelman.

An Act relating to certain duties of the department of revenue.

SB 297-By Howard.

An Act to repeal section 195.070, RSMo Supp. 1998, relating to the dispensing of controlled substances, and to enact in lieu thereof two new sections relating to the same subject.

SB 298-By Kinder.

An Act to repeal section 559.021, RSMo Supp. 1998, relating to conditions of probation, and to enact in lieu thereof one new section relating to the same subject.

SB 299-By Yeckel.

An Act to repeal section 448.3-116, RSMo Supp. 1998, relating to condominiums, and to enact in lieu thereof one new section relating to the same subject.

SB 300-By Goode.

An Act to repeal section 139.031, RSMo Supp. 1998, relating to property taxation of utilities, and to enact in lieu thereof two new sections relating to the same subject.

SB 301-By Ehlmann.

An Act to repeal section 160.518, RSMo 1994, relating to review and accreditation of school districts, and to enact in lieu thereof one new section relating to the same subject.

REFERRALS

President Pro Tem Quick referred **SCR 8** to the Committee on Rules, Joint Rules and Resolutions.

The following concurrent resolution was read the 2nd time and referred to the following Committee:

SCR 9--Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SR 83** to the Committee on Rules, Joint Rules and Resolutions.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 193** be taken up for perfection, which motion prevailed.

On motion of Senator Wiggins, **SB 193** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SCS for **SB 128**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 128An Act to repeal section 105.464, RSMo Supp. 1998, relating to judiciary, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **SCS** for **SB 128** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Singleton--1			
Absent--Senators--None			
Absent with leave--Senators			
Clay	Kenney	Scott--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Singleton--1			
Absent--Senators--None			
Absent with leave--Senators			
Clay	Kenney	Scott--3	

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 129--Judiciary.

SB 130--Aging, Families and Mental Health.

SB 131--Aging, Families and Mental Health.

SB 132--Transportation.

SB 133--Judiciary.

SB 134--Commerce and Environment.

SB 135--Pensions and General Laws.

SB 136--Appropriations.

SB 137--Elections, Veterans' Affairs and Corrections.

SB 138--Public Health and Welfare.

SB 139--Elections, Veterans' Affairs and Corrections.

SB 140--Judiciary.

SB 141--Judiciary.

SB 142--Judiciary.

SB 143--Judiciary.

SB 144--Education.

SB 145--Insurance and Housing.

SB 146--Ways and Means.

SB 147--Ways and Means.

SB 148--Education.

SB 149--Transportation.

SB 150--Aging, Families and Mental Health.

SB 151--Aging, Families and Mental Health.

SB 152--Transportation.

SB 153--Local Government and Economic Development.

SB 154--Judiciary.

SB 155--Labor and Industrial Relations.

SB 156--Labor and Industrial Relations.

SB 157--Pensions and General Laws.

SB 158--Elections, Veterans' Affairs and Corrections.

SB 159--Ways and Means.

SB 160--Commerce and Environment.

SB 161--Ways and Means.

SB 162--Ways and Means.

SB 163--Education.

SB 164--Civil and Criminal Jurisprudence.

SB 165--Pensions and General Laws.

SB 166--Commerce and Environment.

SB 167--Civil and Criminal Jurisprudence.

SB 168--Elections, Veterans' Affairs and Corrections.

SB 169--Elections, Veterans' Affairs and Corrections.

SB 170--Insurance and Housing.

SB 171--Public Health and Welfare.

SB 172--Commerce and Environment.

SB 173--Public Health and Welfare.

SB 174--Transportation.

SB 175--Financial and Governmental Organi-zation.

SB 176--Elections, Veterans' Affairs and Corrections.

SB 177--Civil and Criminal Jurisprudence.

SB 178--Agriculture, Conservation, Parks and Tourism.

SB 179--Appropriations.

SB 180--Education.

SB 181--Public Health and Welfare.

SB 182--Transportation.

SB 183--Judiciary.

SB 184--Appropriations.

SB 185--Labor and Industrial Relations.

SB 186--Education.

SB 187--Education.

SB 188--Elections, Veterans' Affairs and Corrections.

SB 189--Aging, Families and Mental Health.

SB 190--Ways and Means.

SB 191--Education.

SB 192--Ways and Means.

SB 194--Education.

SB 195--Commerce and Environment.

SB 196--Pensions and General Laws.

SB 197--Pensions and General Laws.

SB 198--Pensions and General Laws.

SB 199--Pensions and General Laws.

SB 200--Agriculture, Conservation, Parks and Tourism.

SB 288--Pensions and General Laws.

SB 289--Education.

SJR 18--Education.

SJR 19--Pensions and General Laws.

MISCELLANEOUS

Senator Banks requested unanimous consent to have the following address honoring Dr. Martin Luther King, Jr., printed in the Journal, which request was granted.

DO WE KNOW THAT THE HOUSE IS ON FIRE?

A celebration is a festive and gala event which takes place shortly after a victory, it represents some milestone that is punctuated with appreciation. It symbolizes a triumph of some kind, the accomplishment of something of some great magnitude. This should be the annual occasion for the Dr. Martin Luther King Jr. holiday. From the onset of the day set aside in his memory for commemoration of this distinguished man of our time, we should all be adding accolades, which contribute to his stature. This could be easily done inasmuch as he did not hold forth anything that was obtuse or abstract; he was specific and concrete in his expectations and deliberations regarding our conduct towards one another. While he offered his hopes in a dream, like our Biblical Joseph, who was given the ability to interpret dreams, and to make them clear for us all to see and to emulate; he wanted to see a dramatic shift in the American mood and character, a fundamental change in attitude and tradition, a change of heart of dominant America.

Dr. King had a dream but he was no wide eye dreamer. He hoped that America would turn back the clock of three centuries on institutionalized racism and begin a time of human rights for all citizens of this great country. He spoke of "my country tis of thee," which bespeaks citizenship and loyalty, but for African Americans and People of Color this was not a "sweet land of liberty."

He had this hope and dream whereby all citizens would be invited to the table of equal justice. He wanted to bring not only People of Color to the bar of social, economic and political justice, but he was speaking for us all. He knew the severe consequences of not doing so would lead to a great split among us, and that we would all fall head long into this wide and deep pit of social ignorance, apostate racism. He knew that racial feeling would run to such a high pitch that we would not be able to collectively pull ourselves out of our morass, and that many would be lost in oblivion.

Into this pit countless numbers are falling daily, due to inequality. And while the larger percentage of those are highly disproportionately People of Color, and are being buried alive, nevertheless large numbers are being pushed over the edge who are of all classes, colors and creeds. This is because when a nation stands apart in hatred, and is agitated to relate to the weaknesses of other cultural groups, by every institution in the land, there is no recourse for countless numbers but to take the downward plunge. We are a nation that is descending and not ascending. Those coming after us in this great body of the Senate will not live as well as we have lived. Perhaps they will with more gadgets and perhaps more conveniences, but they will have lost the possibility of having a quality of life and the substance of neighborhoods and communities in culturally diverse relationships. It is strange that we can restructure our economy and corporations and even our government but not our feelings about our fellow citizens.

We are a nation on the march, but where are we going? Are we on the road to better understanding and caring about what is happening to our state of the nation? Do we acknowledge that we have only four (4) basic blood types, which means that we had a common beginning, and that all the sons of Noah, Ham, Shem and Japheth have made contributions which added to those of the others. What is the notion of a house without a foundation, or the inner structure, or the roof. Who gets the full credit for the house, what could we have done without, who is more important than whom. And yet today, the house, America, is on fire and while we may not have good relationships among ourselves we must all get together and put the fire out. There is no luxury of slacking, nor is there any reason to suppose that if no effort is undertaken that you and yours will not face the flames, perhaps not this generation, but surely the one to come. This is a job of togetherness; all hands are needed to hose down this fire. This is a new America that is coming to the fore out of the ashes; the old one is burning down. And, the only way that enthusiasm, excitement, and commitment will give hurry to the effort of all is through the appreciation that once the job is accomplished, the fire is finally out, we will not have, nor tolerate, business as usual.

This is a country, which claims to have been founded on the Judeo-Christian ethic-we must show that we are grounded in it as well. Dr. King spoke of equal rights, equal justice, and equal opportunity in education, housing, and employment. The right to hope and dream and believe that judgement would come after, and not before, the presentation of self. He was speaking of the content of character, and not the color of one's skin.

Freedom is not freedom unless we are all free. He said it well, "if we do not live together as brothers, we will perish together as fools."

We all remember his clear analogies regarding the ringing of bells, from the highest mountains to the lowest molehills, in sounding to let freedom ring. This may be the last wake up call for America. This is a call of conscience, which needs to be revamped, revised and revisited.

If such bells do not ring for freedom for all, they most assuredly will ring, but they will be in a cadence of intermissions, a toll, a funeral dirge, and then we will know that a solemn procession has begun for all America, and that we are all victims of the fire.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Amy Scheve, Christina Ottinger, Saydra Wilson, Rachel Brown and Laura Mitchell, St. Louis; and Amy, Christina, Saydra, Rachel and Laura were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 19, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Our Father, we ask that You be with Senator Scott and his family during their bereavement over the death of his aunt whose funeral is today, and we further ask You to bestow Your healing powers on Senator Scott's mother, who went into a coma last night. Grant also, we pray, your healing power and comfort to Doris, the wife of Senator Mathewson, who is undergoing serious back surgery this morning. And use us this day in usefulness as You will. In Your merciful Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Mathewson	Scott--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Yeckel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 84

WHEREAS, the Missouri Senate always welcomes the opportunity to commend those individuals who have been selected by local Chambers of Commerce to receive special recognition for dedicated community betterment efforts; and

WHEREAS, on Saturday, January 30, 1999, the Affton Chamber of Commerce will honor Genevieve Hickey as "Citizen of the Year" during its Annual Installation and Awards Dinner to be held at the Holiday Inn, South County Center; and

WHEREAS, an Affton resident for forty-eight years, Genevieve Hickey has distinguished herself through the exemplary performance of her duties down through the years with First National Bank, Monsanto Chemical Company, and American Investment Company, from which business she retired after seventeen years as a legal secretary; and

WHEREAS, during the intervening years between retirement and accepting the responsibilities of the position of Executive Director of the Chamber, Genevieve Hickey contributed her skills and energy to part-time employment with a varied group of attorneys; and

WHEREAS, after a period of several months in which the Chamber lacked an Executive Director, Genevieve Hickey courageously took on the obligations of the office on September 30, 1981, without the benefits of a mentor or training, and by all records, her tenure has been one of stellar achievements and extraordinary dedication; and

WHEREAS, Genevieve Hickey is a valued and active member of the Affton Historical Society, the Ladies of Oakland, and the Affton Presbyterian Church, where she has sung in the choir, has served as deacon and elder, and has contributed her talent to numerous committees on Session; and

WHEREAS, the proud mother of Sue Hickey-Texier and son-in-law Tom, Genevieve Hickey greatly enjoys the pleasures associated with her grandchildren Matthew, twins Cory and Christopher, and Marci:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to congratulate Genevieve Hickey for her accomplishments which have earned her well-deserved selection as the Affton Chamber of Commerce Citizen of the Year; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for retiring Executive Director of the Chamber and Citizen of the Year, Genevieve Hickey.

Senator Yeckel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 85

WHEREAS, the Missouri Senate always welcomes the opportunity to commend those individuals who have been selected by local Chambers of Commerce to receive special recognition for dedicated community betterment efforts; and

WHEREAS, on Saturday, January 30, 1999, the Affton Chamber of Commerce will honor Bob and Linda Brendel as "Business Persons of the Year" during its Annual Installation and Awards Dinner to be held at the Holiday Inn, South County Center; and

WHEREAS, Affton residents for fourteen years, the Brendels joined the Chamber in 1991, which was the year that they established NOVUS Auto Glass on Gravois; and

WHEREAS, Linda Brendel has proven to be an exemplary member of the Chamber with service for two terms on the board of directors, three years as board secretary, and four years on the Parade and Festival committee, for which she enjoyed work as treasurer and parade secretary; and

WHEREAS, in addition to his work with the Gravois Corridor committee, Bob Brendel has held unofficial, but highly appreciated positions with the Parade and Festival committee, for which he has actively participated in parade and festival planning, festival set-up and take-down activities, parade line up, golfcart logistics, and the many other unplanned emergencies that always take place at any event; and

WHEREAS, both Linda and Bob Brendel also volunteer at the Egg Hunt, Wurstmart, and Old Newsboys events and serve as chairpersons of the Spring Barbecue which raises money for the Affton Days Parade and Festival; and

WHEREAS, as the parents of two children, Diane and Mike, the Brendels have always found themselves engaged in youth activities, such as Linda's willingness to function as secretary for the eighth grade party for the classes of 1998 and 2001 and the class of 1998's lock-in last spring, while Bob is an enthusiastic committee member for Boy Scout Troop 821:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to congratulate Bob and Linda Brendel for their achievements which have earned them well-deserved selection as the Affton Chamber of Commerce Business Persons of the Year; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Bob and Linda Brendel, as an expression of our esteem for them and their good works.

President Wilson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 302-By Bland.

An Act to amend chapter 208, RSMo, relating to public assistance by adding thereto two new sections relating to temporary assistance for needy families.

SB 303-By Flotron.

An Act to repeal sections 105.711, 147.010, 537.610, 537.705 and 537.756, RSMo 1994, relating to liabilities, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

SB 304-By Childers.

An Act to amend chapter 48, RSMo, by adding thereto two new sections relating to changes in county classification.

SB 305-By Wiggins.

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

SB 306-By Wiggins.

An Act to repeal section 33.170, RSMo 1994, relating to state funds for designated public purposes, and to enact in lieu thereof one new section relating to the same subject.

SB 307-By Rohrbach.

An Act to repeal section 302.060, RSMo Supp. 1998, relating to driver's licenses, and to enact in lieu thereof one new section relating to the same subject.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 193**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SB 193** to the Committee on State Budget Control.

President Pro Tem Quick referred **SCR 10** to the Committee on Rules, Joint Rules and Resolutions.

APPOINTMENTS

President Pro Tem Quick appointed the following committee pursuant to **HCR 2**: Senators Banks, Bentley, Bland, Childers, DePasco, Johnson, Mueller, Sims, Steelman and Stoll.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 86, regarding the death of Warren Eugene Slagle, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Dusty Grooms, Caruthersville.

Senator Stoll introduced to the Senate, Marcel Blume, Webster Groves; Kierra Cornell and Kevin Wiethuchter, Manchester; Jamie Dannels and Joey Wrinkle, Independence; Travis Dunn, Aurora; Katherine Ellis, Monett; Shelly Flandermeyer, Teviya Johnson and Aaron Kisner, Marshall; Jacob Gion, Hillsboro; Tony Hacker and John Lee, St. Louis; Sally Lohmeyer, Rogersville; Michelle McDow, Ashland; Greg Moss, Columbia; Xavier Naeger, Ste. Genevieve; Jacob Saxton, Hannibal; Raghele Scavuzzo, Harrisonville; Emily Smith, West Plains; and Hiliary Smith, Concordia.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Chris Southwick, M.D., Columbia.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 20, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: This day we ask that our hearts and minds may be drawn to You and that You guide us, control our wills, and flow through our hearts that we may be wholly Yours in all that we do. And we would ask that You continue Your healing power for Senator Mathewson's wife and walk with Senator Scott during this difficult time of grief and sadness at the death of his mother. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KODE-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Backer, Foley, Graham (24), McBride, Schilling, Thompson (72), Cierpiot, Cooper, Ridgeway, Ross and Sallee.

REFERRALS

President Pro Tem Quick re-referred **SB 21** to the Committee on Ways and Means.

Senator Staples assumed the Chair.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 87, regarding the death of Marie R. Bolls, Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 88, regarding Terry Dickson Fleming, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 89, regarding the death of former State Representative, G. M. Allen, Harrisonville, which was adopted.

Senator Stoll offered Senate Resolution No. 90, regarding Debby Campbell, DeSoto, which was adopted.

Senator Yeckel offered Senate Resolution No. 91, regarding Mary, Mother of the Church, St. Louis County, which was adopted.

Senator Jacob offered Senate Resolution No. 92, regarding National Eye Care Month, which was adopted.

Senator Staples offered Senate Resolution No. 93, regarding the Fiftieth Anniversary of Farmington Elks Lodge No. 1765, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 94

WHEREAS, the members of the Missouri Senate were deeply saddened by the death of longtime Webster Groves resident and community activist, Henrietta Smith Ambrose, on Thursday, January 14, 1999, at the age of 70; and

WHEREAS, Henrietta Ambrose had spent most of her life in her beloved community of Webster Groves, where she was known as a highly respected member of the City Council; and

WHEREAS, in addition to a decade of dedicated service on the City Council, Henrietta Ambrose enjoyed recognition during her lifetime for her untiring efforts as liaison to the Historic Preservation Commission, president of the board of directors of the Webster Groves Historical Society, president of the Webster Groves Optimist Club, trustee of the Missouri Historical Society in Columbia, and as a member of the boards of the Missouri Humanities Council, the Interfaith Housing Commission, and the Friends of Father Dickson Cemetery; and

WHEREAS, married to Walter L. Ambrose, Sr., who was a retired St. Louis Public Schools administrator, Henrietta Ambrose shared the "1991 Citizens of the Year" award from the Webster Groves Area Chamber of Commerce with her husband who preceded her in death by only one year; and

WHEREAS, co-author of North Webster: A Photographic History of a Black Community, Henrietta Ambrose received many honors and accolades throughout her long life such as the Missouri Historical Society Brownlee Fund Award and the St. Louis County Historical Society Book Award; and

WHEREAS, a native of St. Louis who attended the old Tucker Business College, Henrietta Ambrose retired in 1985 after twenty years with the Social Security Administration and earlier employment with the Missouri Division of Family and Children's Services in Clayton; and

WHEREAS, the passing away of Henrietta Ambrose is truly mourned by her many colleagues and friends, and most of all, by her family which consists of daughters Karlah Gibbs of Cincinnati, Ohio, and Cheryl Nash of Creve Coeur, Missouri; son Walter Ambrose, Jr., of Fairfax, Virginia; six grandchildren; and two great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to extend a word of heartfelt condolences to the family of the late Henrietta Ambrose during this time of great personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Henrietta Smith Ambrose, as a sincere expression of our profound sympathy.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 308-By Scott and Russell.

An Act to repeal section 104.610, RSMo 1994, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject, with an effective date.

SB 309-By Maxwell.

An Act to repeal section 43.050, RSMo Supp. 1998, relating to public safety personnel, and to enact in lieu thereof one new section relating to the same subject.

SB 310-By Maxwell.

An Act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

SB 311-By Wiggins, Schneider, DePasco and Banks.

An Act to repeal sections 354.443 and 354.618, RSMo Supp. 1998, relating to protection of health care consumers, and to enact in lieu thereof four new sections relating to the same subject.

SB 312-By Sims.

An Act to repeal sections 94.110, 94.270, 94.360, 191.769 and 291.060, RSMo 1994, and to enact in lieu thereof five new sections relating to bowling centers.

SB 313-By Stoll.

An Act relating to certain real estate transfers.

SB 314-By Scott and Staples.

An Act to repeal sections 104.352, 104.354, 104.370 and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.410, 104.612 and 104.620, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

SB 315-By Staples.

An Act to authorize the conveyance of state property to the city of Farmington.

SB 316-By Schneider and Ehlmann.

An Act to repeal sections 14.010, 14.020, 14.030, 59.020, 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.080, 483.082, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 1994, and sections 50.333 and 483.083, RSMo Supp. 1998, relating to certain judicial personnel, and to enact in lieu thereof thirty-two new sections relating to the same subject, with an effective date for certain sections.

SB 317-By Howard.

An Act to amend chapter 334, RSMo, relating to physicians and surgeons by adding thereto eight new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 318-By Jacob, Howard, Stoll, Maxwell, Staples, Wiggins, House, DePasco, Quick, Schneider, Bland, Clay, Goode, Johnson, Banks, Mathewson and Scott.

An Act to repeal section 143.151, RSMo 1994, relating to income tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Mel Carnahan, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel-32
Absent--Senator Schneider--1			
Absent with leave--Senator Scott--1			

On roll call the following Representatives were present:

Present--Representatives			
Akin	Alter	Auer	Backer
Ballard	Barnett	Barry (100)	Bartelsmeyer
Bartle	Bennett	Berkowitz	Berkstresser
Black	Blunt	Boatright	Bonner
Boucher	Boykins	Bray (84)	Britt
Burton	Campbell	Carter	Chrismer
Cierpiot	Clayton	Cooper	Crawford
Crump	Daniel (42)	Daniels (41)	Davis (122)
Davis (63)	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen
Fitzwater	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham (106)	Graham (24)
Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler (123)	Hartzler (124)	Hegeman
Hendrickson	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley (47)	Kelly (27)	Kennedy
King	Kissel	Klindt	Koller

Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May (108)	Mays (50)
McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald
O'Connor	Ostmann	O'Toole	Overschmidt
Parker	Patek	Pouche	Pryor
Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo
Robirds	Ross	Scheve	Schilling
Schwab	Scott	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith
Stokan	Summers	Surface	Thompson (37)
Thompson (72)	Townley	Treadway	Troupe
Tudor	VanZandt	Vogel	Wagner
Ward	Wiggins	Williams (121)	Williams (159)
Wright	Mr. Speaker-- 154		
	Absent and Absent with Leave--Representatives		
Abel	Champion	Foley	Hickey
Purgason	Sallee	Secrest	Wilson-8
	Vacancies-- 1		

The Joint Committee appointed to wait upon His Excellency, Governor Mel Carnahan, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

Missouri-Meeting the Challenges of a New Century

State of the State Address

January 20, 1999

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 90th General Assembly, and Citizens of the State of Missouri:

INTRODUCTION

Our nation hungers for heroes.

It is the nature of our spirit.

Heroes founded this land.

They built its greatness.

And now it is in the hands of the heroes of today to shape its vision for a new century.

For the ideals that inspired the American dream can only remain strong if we have the courage and commitment to expand their possibilities.

Last year the eyes of the entire world were riveted on Missouri to watch the birth of a new American hero.

The young man might have seemed to some an unlikely candidate to reach such heights.

After all, he had 20/500 vision, a bulging disk in his back, weak arches that required special shoe inserts, and had undergone three foot surgeries.

Yet at 8:18 p.m., on September 8, in St. Louis, none of those obstacles seemed important.

Mark McGwire sent the first pitch sailing over the corner of the left field wall and into the history books.

But the McGwire miracle was far from over.

By the time the season ended, Mark not only broke the record for the number of home runs hit in a single season--he demolished it.

And he did it with a humility and grace that made Missouri proud.

However, the true heroism of Mark McGwire is taking place off the field.

He is donating one million dollars for the next three years to help abused and neglected children.

The reason?

Because he wants to give something back to a world that has given him so much.

From his own success, he wants to create opportunities for others.

Throughout our state, thousands of Missourians share those goals.

They may never be in the history books, or make millions of dollars, but they are dedicated to helping others.

These are today's heroes.

It is my privilege to introduce three of these who are here with us today.

First, I would like you to meet the youngest member of our group--Ashlee Vann from Springfield.

Ashlee is a young girl with a big job.

She is only eleven, but she has been running a Kid's Café since she was nine.

Every evening, Ashlee feeds dinner to 60-70 needy children at her café.

She coordinates the entire project of preparing and serving the food, which is donated by Ozark Food Harvest.

Ashlee has three to four other people, including several adults, who work with her, and she does a great job.

Ashlee, would you please stand so we can recognize you for the work you do.

The second person I would like you to meet is Erika Lipiec from Maryville.

Erika is a high school freshman and has been actively involved in the anti-teen smoking campaign in her community for more than two years.

She has testified before her city council in support of a city youth anti-smoking program that she helped pass in 1997.

And she spoke at the Great American Smoke Out news conference last year.

Erika feels teen-age smoking is a serious problem and wants to improve the health of her generation.

Erika, we appreciate your work on behalf of the good health of Missouri citizens.

Please stand and be recognized.

Our third guest today is Laurie Sybert, who teaches second grade at Leland Mills Elementary School in Lake Ozark.

Laurie is one of those people we talk about when we say someone was "born to teach."

Her mother taught in a one-room schoolhouse and instilled in Laurie the need to go above and beyond what she thought she was capable of doing.

During her thirteen years in the classroom, Laurie has taught her students that same lesson.

Ten years ago, Laurie's ability to reach beyond her limits was tested.

She was diagnosed with MS.

Her symptoms became so bad five years ago that she could barely walk, and her doctor advised her to quit teaching.

Yet, this illness has inspired Laurie to be even more enthusiastic about her life and her work.

Today she lives each day to the fullest.

She is an outstanding example of the many excellent teachers we have in Missouri, and that is why she was selected as the 1998-99 Missouri Teacher of the Year.

Laurie, we want to show our appreciation for you and all the other Missouri educators who have dedicated their lives to preparing our young people for the future.

Please stand to be recognized.

All three of these honored guests here with us today are true Missouri heroes.

Each of them, in her own special way, is making a significant contribution to the success of our state by bettering the lives of others.

As we begin this 1999 legislative session, these Missourians should be an inspiration to all of us.

We, too, have accepted the responsibility of working on behalf of a better life for others.

Today, I come before you to ask your cooperation in working on behalf of the best interests of the people of Missouri as we prepare to meet the challenges of a new century.

ECONOMY

The foundation for our success is found in a thriving economy.

Only a few short years ago, constructing such a foundation seemed impossible.

In the early years of this decade, we were mired in a recession.

Our companies were downsizing, forcing many Missourians to seek a new job for the first time in years.

Yet today our unemployment rate is historically low.

According to the latest monthly reports, our unemployment numbers are the lowest in twenty years.

They are significantly lower than the national rate.

While Missouri's unemployment rate is holding at 3.3 percent, the national rate is 4.1.

Our aggressive approach to economic development and our landmark welfare reform efforts have made the difference.

Since 1992, we created over 350,000 new jobs and moved over 121,000 of our citizens off welfare.

We gained 382 new or expanding business operations last year alone.

This gain translates into over a billion dollars of new private investment in our state.

At the same time, Missourians are receiving a good return on their tax dollars.

By any objective measure, Missouri is a low tax, low spending state.

We are one of only nine states to receive the highly coveted Triple A bond rating from all three major bond rating agencies.

By completing a top to bottom review of government service--the first in several decades--we have further reduced waste, duplication, and bureaucracy.

We must continue to give Missourians an even better return on their investment.

TAX CUTS

Because we have nurtured such a growing economy, we have, for the first time in almost a generation, been able to give Missourians major permanent tax relief over the past few years.

In 1997, we eliminated the three percent general state sales tax on food.

These cuts give the average Missouri family the equivalent of two weeks of free groceries every year.

In 1998, we extended more tax relief to Missouri families and senior citizens.

We tripled the amount Missouri families can deduct for their dependents on their state income tax.

We expanded the property tax credit that senior and disabled citizens receive so that more Missourians on fixed incomes can stay in their homes.

And we implemented a new deduction so that those who care for elderly and disabled dependents in their homes could also receive tax relief.

In fact, since 1994, we have been able to provide Missouri families with almost 430 million dollars in permanent tax cuts.

This year I want to continue this good news for taxpayers.

Our robust economy makes it possible to offer new, meaningful tax relief this year.

First of all, we should increase the personal exemption that all Missourians receive on their state income tax by \$900.

This will raise each taxpayer's personal exemption to \$2,100.

Every Missouri income taxpayer will benefit from this tax cut.

Our citizens have not received an increase in this exemption since 1946.

This plan will reduce the amount of state income tax that couples pay by up to \$108 annually and give individual filers up to a \$54 tax break.

Over 200,000 more state households will not pay any state income tax at all.

We should also help Missouri businesses this year by reducing the amount they have to pay in corporate franchise tax.

The vast majority of our Missouri businesses are small, but they create most of our new jobs.

Right now, businesses have to pay this tax if they have assets of at least \$200,000.

I want to raise that threshold to one million dollars.

This tax cut would virtually eliminate the corporate franchise tax for small businesses.

The third prong of my tax relief plan is targeted at helping the self-employed in Missouri.

Currently, many of these entrepreneurs cannot afford health insurance.

By allowing our smallest businesses to deduct health insurance premiums from their adjusted gross income, we can help them purchase affordable health care for themselves and their families.

When fully implemented, these three steps will give Missourians \$191 million in new tax cuts.

And we can afford to give Missourians this reasonable tax relief without jeopardizing our investments in education, public safety, and other crucial state services.

EDUCATION

Without question, the most important thing we can do to prepare Missourians to meet the challenges of a new century is to offer a high quality education system.

From the day Missouri children are born, each experience shapes their future and the future of our state.

Because of our actions last session, Missouri families will have new opportunities to provide their children with the experiences they need in order to enter school ready to learn.

Our early childhood initiative provides thousands of Missouri children with access to affordable, quality child care so they can receive a strong start in life.

And I want to publicly thank our Missouri veterans for their help during the legislative process in getting this legislation passed.

These men and women who served in our Armed Forces to protect our generation are now helping to protect the next one through their support of new child care services for Missouri's children.

One of these new child care services that is receiving an exciting response is our "Jump Start" program.

Because of "Jump Start," Missouri parents will now have access to quality child care for their pre-school children in many of our public schools and communities.

So far, 160 sites at 124 different school districts have requested to participate in this innovative new approach to early childhood care and education.

To implement the work we began last year, my budget contains \$55.6 million for early childhood care and education.

Of course, once our children enter public school, we want them to receive the best education possible.

I am pleased to announce that for the fourth year in a row I am recommending that you act to fully fund our new, more equitable school foundation formula.

By doing so, we give students the resources they need to receive a world class education.

This new formula was a part of our Outstanding Schools Act of 1993.

It implemented numerous reforms to make both Missouri schools and students more accountable for their progress.

I believe we can do more this session in the area of school accountability by ensuring that children are mastering the basics, particularly in the early grades.

The public and employers are rightfully concerned when students are promoted from one grade to the next without acquiring the basic academic knowledge and skills they need to succeed at the next grade level.

To address their concerns, I want to allow school districts to make remedial classes a condition of promotion for those students who have not mastered the basic skills of their particular grade level.

This is especially important in the early grades where students must build a solid foundation for advanced learning.

Our proposal provides the funds to enable schools to offer this extra attention to students who need it.

Students judged to be academically deficient can be required to attend summer school classes or tutorial activities after school or on weekends.

Schools can also require parents to sign a contract pledging to conduct home-based support activities as a condition of promotion.

Under this plan, our Department of Elementary and Secondary Education will examine how well schools are improving the scores of the lowest performing students on our assessment tests.

These results will be taken into consideration when the school's accreditation status is reviewed.

School districts will also keep their patrons informed on the progress of underachieving students through their public school report card.

These actions will reinforce our emphasis on high expectations and accountability for learning.

Over the past few years, we have focused a great deal of attention on making our schools safe places for our students to attend--inside, outside, and on the bus.

For the safety of our students, I have also directed the departments of Elementary and Secondary Education and Public Safety to jointly develop a model school disaster plan.

Many of our local schools are ill prepared to handle all aspects of the natural disasters and traumatic crises that can occur such as the tragic shootings in Jonesboro, Arkansas.

By developing a model plan, school districts will have a standard to compare against their local plan to see if changes need to be made.

A statewide crisis team will be available upon the request of local school officials to offer immediate assistance in the case of any school emergencies.

We will also finish our efforts this year to wire schools to the Internet, so Missouri students will have access to information from around the world.

This year, for the first time, every school district in Missouri will have high speed access to the Internet.

Computer literacy is a vital tool for today's job seekers and will be indispensable in the workplace of the future.

Last year, we made major progress in improving access to higher education for Missourians by authorizing four new programs.

Our new Bridge Scholarships, College Guarantee Program, Advantage Missouri, and MOSTARS Higher Education Savings Fund will make it possible for more of our high school graduates to gain the advanced education and training they need to meet the demands of today's employers.

My budget recommendations include \$10.5 million to implement these new education access tools.

WORKFORCE DEVELOPMENT

Making it possible for our young people to have access to a better and more advanced education is going to pay tremendous dividends for the generations to come.

But in the new world economy, we must ensure Missouri businesses have the kind of highly skilled workers they need to compete.

I am proud of the workforce development progress we have made.

Last year our workforce system helped 125,000 Missourians get jobs.

But even though we are using innovative practices such as one-stop career centers, our fragmented workforce system is not as efficient and user friendly as it could be.

Many Missourians who seek employment and training services are still being bounced from office to office to have their needs met.

During a one month period this summer, the same St. Louis employer received visits by job development representatives from three different state agencies that were all trying to help him find qualified people to fill his job openings.

This kind of duplication is a waste of time and money.

Therefore, we must take our approach to workforce development in a new direction.

Our administration wants to create a Division of Workforce Development.

According to our proposal, this new division will replace our existing Division of Job Development and Training that is under our Department of Economic Development.

All employment, training, and job matching functions from the Department of Labor and Industrial Relations will move to the new division.

This consolidation will be a huge improvement for both workers and employers.

Employers will find state workforce services to be more responsive to their needs, and Missourians will be better prepared for the jobs that are available in the labor force.

HEALTH

Missourians will need all the education and training they can obtain to meet the challenges of a new century, but they must be healthy if they are to be able to use their talents productively.

Last year I came to you on behalf of the thousands of children in our state who are not receiving the basic primary and preventive health care services they need.

These families had no health insurance and no realistic prospect of obtaining affordable health insurance.

But today, many of these families are breathing a sigh of relief because you approved our Children's Health Initiative last session.

Thanks to our new MC-Plus Program for Kids, 90,000 children with no health insurance and no prospect of getting health insurance can now have access to affordable health care.

In only four months of the program, we have already enrolled nearly 25,000 children.

Thousands of Missouri children whose lives were in danger have been rescued by the responsible action we took last year, and I commend you for your support of this program.

Unfortunately, the good health of many of our citizens is in danger because of another threat--smoking.

Tobacco use is the leading cause of cancer in this country, and Missouri has the second highest rate of tobacco use of any state.

Approximately 28 percent of all Missouri adults smoke.

Even more alarming, recent studies indicate that more than 40 percent of our state's teenagers smoke.

These statistics are taking their toll.

Tobacco use contributes to 28 deaths in Missouri every day.

And now we know that nicotine found in tobacco is often a "gateway" drug that leads our teenagers to other substance abuse.

That is why the work of every day heroes like Erika here is so important.

Ninety percent of all smokers started smoking before the age of 21.

So if we can stop teens from smoking before they start, we can make significant headway in bringing down both the human and health care costs of tobacco use.

Now, because of a recent legal development, we have a tremendous opportunity to save the lives of countless Missouri young people in future years.

The recent Tobacco Settlement that was reached will allow Missouri to recover a portion of the health care costs our state and taxpayers have incurred or will incur because of smoking and tobacco use.

I want to applaud the work of our Attorney General Jay Nixon for his leadership in reaching this monumental agreement.

However, litigation involving these funds is still pending.

Payments under the settlement are not expected to begin until the year 2000.

Before any settlement dollars come to Missouri, a final judgment must be obtained.

In addition, the federal government may try to recover these funds or dictate their use.

While we intend to fight this action, none of us can be certain of the outcome.

Therefore, we need to set this money aside until we are confident that these funds are, in fact, available to Missouri.

I ask you to establish a Tobacco Settlement Trust Fund, pending the outcome of the litigation and other uncertainties.

Its purpose will be to preserve these funds for future investments to support anti-teen smoking initiatives and to improve the health and education of future generations.

Unless we can reduce the number of teens and young people who are smoking in Missouri, our taxpayers will continue to pay the huge financial and human price that is associated with tobacco.

The emotional well being of our citizens is just as important as their physical health.

When our citizens develop a serious mental illness, the necessary treatment they require can financially ruin their family.

The Joint Interim Committee on Mental Health Insurance Availability, co-chaired by Senator Jerry Howard and Rep. Mike Schilling, should be recognized for its examination of the accessibility of mental health services in Missouri.

I look forward to working with the committee members this session to see how we can improve both the quality and access to mental health services in Missouri.

PUBLIC SAFETY

In addition to preparing a healthier and better educated Missouri for a new century, we must ensure that our streets and neighborhoods are safe for our citizens.

During the six years of our administration, we have passed some of the toughest crime laws in the country.

Our new, tougher sentencing laws are helping to keep the most dangerous criminals behind bars and making juveniles that commit dangerous felonies serve adult sentences.

Partly as a result of tougher sentencing, we have experienced a great reduction in serious crime in Missouri.

Our new law passed last year to battle the evil producers and traffickers of the deadly drug methamphetamine is the toughest in the nation.

Other states are looking at our legislation as a model for their own approaches.

Our strong new laws to keep insidious sexual offenders under intense supervision for the rest of their lives are taking hold.

But we need to take some additional actions this session for the further protection of our citizens.

The law we enacted in 1994 requires sex offenders to register and provide information to local law enforcement agencies.

Currently, our citizens can only keep track of these criminals by contacting law enforcement offices or the State Highway Patrol's central registry during regular business hours.

To make this information more accessible to the public, we need to make it available on the Internet through our Department of Public Safety's home page.

Missourians going to that web page will be able to find out the offender's name, place of residence, date of birth, appearance, and criminal record.

We also need a juvenile sexual offender registry.

In 1997, 961 minors in our state were referred to juvenile court for sexual offenses.

But we currently have no law requiring the registration of juvenile sex offenders, even though this information would greatly assist the police and juvenile authorities in keeping our schools and our streets safe from dangerous sex offenders.

While we must maintain the confidentiality that is required by state law for young offenders, we need to require juvenile courts to maintain a registry of juvenile sex offenders.

State agencies would be required to share information.

TRANSPORTATION

A sound transportation infrastructure is crucial to Missouri's economic vitality and the safety of its motorists in a new century.

I, like many of you, am greatly disheartened by the financial insolvency of the 15-Year Plan.

Throughout my years of public service, I have been a strong advocate of a top quality transportation infrastructure for Missouri.

When the 15-Year Plan was under consideration in the legislature years ago, I came up here as Lieutenant Governor to lobby for its passage.

However, it is now clear that despite the good intentions of many people, the plan cannot be built with currently available revenues.

However, many of the projects in the 15-Year Plan remain crucial to Missouri's future.

And important new needs have emerged since the plan was originally drafted.

To protect and advance Missouri's economic health, we must find enough common ground to move forward in the development of a total transportation plan that has bipartisan support.

I fully recognize that we face major obstacles.

But we must keep working at it until we can achieve enough consensus to move forward.

And we must make real progress this year because delay will only cost more money, more lives, and more missed economic opportunities.

Among the more significant obstacles is the divisiveness over the regional allocation of transportation dollars.

The rural/urban split will continue to be a highly contentious issue--and an impediment to statewide progress--unless we can reach agreement on an allocation process that Missourians in all regions will view as fair.

The Highway and Transportation Commission has taken an important step toward addressing this matter.

It will soon establish a Rural/Urban Advisory Group to recommend changes that will increase public confidence in the way the Commission makes future rural/urban allocation decisions.

I urge all of you to lend your support to this important initiative.

STATE EMPLOYEES

During our administration, we have demanded much more of our state employees.

We have put a great deal of effort into eliminating government inefficiency in order to improve customer service.

But improved customer service in state government requires an experienced, dedicated, and productive workforce.

If we want high quality services, we must have high quality people providing those services.

So for my past six years as governor, we have taken steps to attract and retain the best state employees so we would not lose them to private industry.

This year is no exception.

For the fourth year in a row, I am recommending that our state employees receive marketplace salary increases.

While the percentage will vary depending on the salary relationship of the employee to the marketplace, most of our state employees will receive about a five percent increase.

As we continue to work to bring public sector salaries in line with the private sector, we should also work in other ways to place public employees on an equal footing with their private sector counterparts.

I hope this General Assembly will work to send me a bipartisan bill granting public employees the right to bargain collectively.

CONCLUSION

These are some of the major issues that I would like us to address this year.

And as we begin that work, I believe we can look to the every day heroes who have joined us today for inspiration.

Ashlee, Erika, and Laurie are heroes, not because of one single act of bravery.

But because they have found the courage to embrace goals that are bigger than any one person and the selflessness to work toward those goals every day of their lives.

Feeding sixty people day in and day out is not an easy task.

But Ashlee does it so that these children will have the nourishment they need to grow into strong adults.

Standing up against the peer pressure to smoke and working to convince others of the dangers of tobacco is difficult.

But Erika does it so that the teenagers in her community will be able to grow up to be healthy adults.

Teaching a class full of second graders every day and dealing with all their questions, problems, and enthusiasm is always challenging.

But Laurie is dedicated to helping them become productive, responsible adults.

Now is our time to be the heroes of our day--to embrace goals that are bigger than any one person, one party, or one branch of government.

Our state and our nation have just gone through another hard fought election campaign.

But that campaign is over, and the people have spoken.

Now the citizens of the State of Missouri expect us to work together on the issues that matter to them--good jobs, a better education and health care for their children, and a safe place to live.

This is not the time to speak of politics.

That time will come again, but it is not this day.

This is a time to do the people's business.

When I was elected governor, I made a commitment to the people of Missouri to do a good job on their behalf.

And that is what I intend to do.

I want to work with all of you in building on the tremendous accomplishments we have achieved in the past.

And so I ask that you join me in the spirit of bipartisan cooperation that has made those accomplishments possible.

Where there are questions, let us find answers.

Where there is emotion, let us find reason.

Where there are differences, let us find common ground.

May this sacred seat of government and the hallowed principles that shaped it, elevate our ideas and our conduct.

The people of the State of Missouri have entrusted us with their future.

We must not fail them.

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Wilson.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 319-By House.

An Act to repeal section 205.969, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

SJR 20-By Stoll.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 193**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 193, introduced by Senator Wiggins, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to sales tax for flood relief projects, with an emergency clause.

Was taken up.

On motion of Senator Wiggins, **SB 193** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick

Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Howard--2		
	Absent with leave--Senator Scott--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Ehlmann Singleton--2

Absent with leave--Senator Scott--1

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Billie Sue Graves, 10384 Highway J, Perryville, Perry County, Missouri 63775, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2000, and until her successor is duly appointed and qualified; vice, Nancy Koenig, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Wheeler-Jones, 4115 A Sacramento Avenue, St. Louis City, Missouri 63115, as a public member of the Missouri Board for Respiratory Care, for a term ending April 3, 1999, and until her successor is duly appointed and qualified; vice, Vetta Sanders-Thompson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet M. Williams, 620 West 59th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until her successor is duly appointed and qualified; vice, vacancy, RSMo. 192.745.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 201--Commerce and Environment.

SB 202--Education.

SB 203--Civil and Criminal Jurisprudence.

SB 204--Ways and Means.

SB 205--Transportation.

SB 206--Aging, Families and Mental Health.

SB 207--Commerce and Environment.

SB 208--Education.

SB 209--Commerce and Environment.

SB 210--Elections, Veterans' Affairs and Corrections.

SB 211--Civil and Criminal Jurisprudence.

SB 212--Elections, Veterans' Affairs and Corrections.

SB 213--Pensions and General Laws.

SB 214--Local Government and Economic Development.

SB 215--Local Government and Economic Development.

SB 216--Public Health and Welfare.

SB 217--Transportation.

SB 218--Education.

SB 219--Ways and Means.

SB 220--Local Government and Economic Development.

SB 221--Insurance and Housing.

SB 222--Judiciary.

SB 223--Pensions and General Laws.

SB 224--Civil and Criminal Jurisprudence.

SB 225--Public Health and Welfare.

SB 226--Local Government and Economic Development.

SB 227--Pensions and General Laws.

SB 228--Financial and Governmental Organi-zation.

SB 229--Local Government and Economic Development.

SB 230--Agriculture, Conservation, Parks and Tourism.

SB 231--Commerce and Environment.

SB 232--Local Government and Economic Development.

SB 233--Aging, Families and Mental Health.

SB 234--Labor and Industrial Relations.

SB 235--Elections, Veterans' Affairs and Corrections.

SB 236--Education.

SB 237--Civil and Criminal Jurisprudence.

SB 238--Education.

SB 239--Financial and Governmental Organi-zation.

SB 240--Local Government and Economic Development.

SB 241--Education.

SB 242--Commerce and Environment.

SB 243--Insurance and Housing.

SB 244--Aging, Families and Mental Health.

SB 245--Labor and Industrial Relations.

SB 246--Public Health and Welfare.

SB 247--Labor and Industrial Relations.

SB 248--Commerce and Environment.

SB 249--Commerce and Environment.

SB 250--Pensions and General Laws.

SB 251--Insurance and Housing.

SB 252--Judiciary.

SB 253--Judiciary.

SB 254--Local Government and Economic Development.

SB 255--Local Government and Economic Development.

SB 256--Insurance and Housing.

SB 257--Commerce and Environment.

SB 258--Education.

SB 259--Judiciary.

SB 260--Local Government and Economic Development.

SB 291--Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, Leroy and Anne Cole, Lincoln.

Senator Howard introduced to the Senate, Kirby and Steve Van Ausdell, Caruthersville.

Senator Caskey introduced to the Senate, L.M. Rice, Knob Noster.

Senator Jacob introduced to the Senate, Dr. Dan Schoenleber, Columbia; and Rich Paul and Dr. Steve Slokum, St. Louis.

Senator Yeckel introduced to the Senate, John Howard, St. Louis County.

Senator Sims introduced to the Senate, Judith Hinrichs, St. Louis.

Senator Quick introduced to the Senate, the Physician of the Day, John C. Hagan, III, M.D., North Kansas City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 21, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: We ask that You preserve and protect us this day from all that would distract us from serving You and Your righteousness. Be with us in our thoughts and words and deeds as we call this week a wrap and return to our homes where we might be refreshed in mind, body and spirit. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 95, regarding Mary Eleanor Coffield, Carthage, which was adopted.

Senator Stoll offered Senate Resolution No. 96, regarding the Ninetieth Birthday of Charles Alfred Ewald Schmidt, Festus, which was adopted.

Senator Bentley offered the following resolution:

SENATE RESOLUTION NO. 97

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session that Senate Rule 95 be amended as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **by members of the senate at their desks and** by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 320-By Caskey.

An Act to amend chapter 162, RSMo, by adding thereto six new sections relating to an educational program for students who are blind or visually impaired.

SB 321-By Caskey.

An Act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

SB 322-By Sims and Goode.

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254 and 210.256, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 323-By Kenney and Sims.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public libraries.

SB 324-By Banks.

An Act to repeal section 660.053, RSMo 1994, and to enact in lieu thereof three new sections for the purpose of creating a shared care program in the division of aging for the care of the elderly.

SB 325-By Stoll.

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1998, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

SB 326-By Goode.

An Act to repeal section 198.439, RSMo Supp. 1998, relating to nursing facility reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

SB 327-By Kinder.

An Act to repeal sections 91.025, 393.106 and 394.312, RSMo 1994, relating to electric utility industry competition and consumer choice, and to enact in lieu thereof nineteen new sections relating to the same subject.

SB 328-By Clay, Banks and Wiggins.

An Act to repeal sections 574.090 and 574.093, RSMo 1994, relating to the crime of intimidation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 329-By Jacob.

An Act relating to dissolution of marriage.

SB 330-By Rohrbach, Russell, Sims, Bentley, Flotron, Singleton, Yeckel and Childers.

An Act to repeal sections 32.055 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

SB 331-By Maxwell.

An Act to repeal sections 169.010, 169.060, 169.070 and 169.075, RSMo Supp. 1998, relating to public school retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SB 332-By House.

An Act to repeal sections 444.772 and 444.773, RSMo 1994, relating to environmental protection, and to enact in lieu thereof two new sections relating to the same subject.

SB 333-By Staples and Mathewson.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to highway enhancement for the purposes of economic development.

CONCURRENT RESOLUTIONS

Senators Howard and Johnson offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, Missouri is and will continue to be a leading agricultural state; and

WHEREAS, the economic success of this state depends to a large degree on the success of agriculture and related industries; and

WHEREAS, falling prices for commodities and livestock have placed Missouri farms and businesses supporting Missouri farms in severe economic distress; and

WHEREAS, there exists a variety of farm-related businesses providing goods and services to Missourians engaged in agriculture that are also facing economic distress resulting from the distress of their primary market; and

WHEREAS, federal policies and laws affecting agriculture have an immediate and direct impact on Missouri's farmers and agricultural industries;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the Missouri House of Representatives concurring therein, respectfully request the federal government to take all necessary and appropriate action to support those

businesses existing to provide the goods and services necessary to farm operations; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Missouri delegation in the United States House of Representatives and the United States Senate, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Commerce and the President of the United States.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Catherine B. Leapheart, as Director of Employment Security;

Also,

Judy C. Logan, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Peter W. Hofherr, Larry D. Furbeck, Charles B. Keller, IV and L. Kirby VanAusdall, as members of the State Soil and Water Districts Commission;

Also,

Thomas J. Mathis, III, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Dennis C. Eckhold, as a member of the Board of Police Commissioners for Kansas City;

Also,

Ryne P. "Patt" Lilly, as a member of the Missouri Western State College Board of Regents;

Also,

Karen A. Sylvara, as a member of the State Board of Health;

Also,

Cheryl Kay Dolan, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Charlotte L. Connell, as a member of the Board of Hearing Instrument Specialists;

Also,

Lisa E. Hosey and John T. Howard, as members of the Missouri Board of Geologist Registration;

Also,

Daniel J. Szatkowski, as a member of the Low-Level Radioactive Waste Compact Advisory Committee;

Also,

Christine E. Hancock, as a member of the State Board of Cosmetology;

Also,

Joann E. Noll, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Micquanita "Nita Johnson" Mosely, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Judith Sutter Hinrichs and David A. Childers, as members of the Environmental Improvement and Energy Resources Authority;

Also,

Charlotte S. Hill, as a public member of the State Board of Chiropractic Examiners;

Also,

Mary Marjorie Hughes, as a public member of the State Board of Podiatric Medicine;

Also,

Linda Hickam-Fountain, as a member of the Missouri Veterinary Medical Board;

Also,

Karen B. Rosen, as a member of the State Board of Optometry;

Also,

Thomas J. Downey and Dallas G. Dickens, as members of the Missouri Family Trust Board of Trustees;

Also,

Franklin D. Nickell, as a member of the Missouri River Parkway Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **SR 97** to the Committee on Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 98, regarding Charles John Esienbath, Jefferson City, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

January 21, 1999

Mrs. Terry Spieler

Secretary, Missouri Senate

Dear Terry:

This letter is to inform you that on Jan. 21, 1999 the Senate Ethics Committee voted to recognize the Jackson County Republican Caucus at the request of Sen. Bill Kenney. I have included a copy of Sen. Kenney's request letter which also lists the members of this new caucus, and I would ask that the appropriate information be printed in the Senate Journal.

Very truly yours,

/s/ Harold Caskey

Harold L. Caskey

January 19, 1999

The Honorable Harold Caskey

Chairman, Ethics Committee

Room 320, State Capitol Building

Jefferson City, Mo 65101

Dear Senator Caskey:

This is to respectfully request that the Ethics Committee recognize the following legislative members as the Jackson County Republican Caucus.

Bill Kenney-MO State Senator-District 08

Don Lograsso-MO House of Representatives-District 54

Connie Cierpiot-MO House of Representatives-District 52

Matthew Bartle-MO House of Representatives-District 56

Pat Kelley-MO House of Representatives-District 47

Carson Ross-MO House of Representatives-District 55

Thank you for your consideration in this matter.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D. and Dr. Bernie Esser, Columbia.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 25, 1999.

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 25, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and heavenly Father: We thank You for watching our "going out and coming in." We pray this day that You will be with us this week as we approach another week of meetings and hearings and the slow building pressure which will only continue to grow. Grant us help in dealing with the stress and give us the wisdom of doing all things in moderation with high efficiency. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 21, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Staples--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 99, regarding Glynn Boone, Rolla, which was adopted.

Senator Wiggins offered Senate Resolution No. 100, regarding the death of Mildred O. "Millie" Moorhead, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 101, regarding the death of Angela M. Koetting, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 102, regarding the death of Ernest H. Fremont, Jr., Kansas City, which

was adopted.

Senator Wiggins offered Senate Resolution No. 103, regarding the death of Phyllis Marie Lackey Rowland, Leawood, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 104, regarding the death of John O. "Johnny" Owens, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 105, regarding the death of Wilmer C. "Cotton" Swadley, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 106, regarding the death of Joe Lee Pilkington, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 107, regarding the death of John Mayes Jones, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 108, regarding the death of Virgil L. Guinn, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 109, regarding the death of Lawrence Edward McElyea, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 110, regarding the death of Michael L. "Gonzo" Freeman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 111, regarding the death of Martin G. Hatfield, D.D.S., Mission Hills, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 112, regarding the death of Dr. H. Jack Faerber, Mission Hills, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 113, regarding the death of Melvin I. Hooper, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 114, regarding the death of Patricia Phyllis Blue, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 115, regarding the death of Ella Rhea Grooms Kernodle, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 116, regarding the death of Willeta N. Easterday, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 117, regarding the death of Velma A. Weiss, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 118, regarding the death of Laura M. Cockrell, Grandview, which was adopted.

Senators House and Stoll offered Senate Resolution No. 119, regarding Dr. William H. Danforth, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willis Lester Lee, Freeman, which was adopted.

Senator Schneider offered Senate Resolution No. 121, regarding Michael P. Gunn, Ballwin, which was adopted.

Senator Quick offered Senate Resolution No. 122, regarding Bradford Preston "Brad" Mecklenburg, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 123, regarding Brandon Shawn Armstrong, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 124, regarding Aaron Spencer Rinehart, Platte City, which was adopted.

Senator Johnson offered Senate Resolution No. 125, regarding Samuel Paul Woods, Ferrelview, which was adopted.

Senator Johnson offered Senate Resolution No. 126, regarding Christopher James O'Conner, Platte City, which was adopted.

Senator Bentley offered Senate Resolution No. 127, regarding the Heartstream Automated External Defibrillator, which was adopted.

Senator Kenney offered Senate Resolution No. 128, regarding Charles W. Hitchcock, Jr., Lee's Summit, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 334-By Mathewson.

An Act to repeal section 260.565, RSMo 1994, relating to voluntary remediation, and to enact in lieu thereof one new section relating to the same subject.

SB 335-By Caskey.

An Act to repeal sections 217.760, 556.061, 569.025, 569.035 and 571.015, RSMo 1994, and sections 558.019 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof six new sections relating to the same subject.

SB 336-By Caskey.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to contracts of insurance.

SB 337-By Howard.

An Act to repeal section 491.060, RSMo 1994, relating to witnesses, and to enact in lieu thereof one new section relating to the same subject.

SB 338-By Howard and Sims.

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

SB 339-By Howard and Sims.

An Act to repeal section 198.073, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof three new sections relating to the same subject.

SB 340-By Russell.

An Act relating to law enforcement districts.

SB 341-By Russell.

An Act relating to state aid for drivers education.

SB 342-By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the commission on judicial resources.

SB 343-By Schneider.

An Act to repeal section 376.383, RSMo Supp. 1998, relating to certain health care providers, and to enact in lieu thereof one new section relating to the same subject.

SB 344-By Schneider, House, Yeckel, Ehlmann, Flotron, Klarich, Kinder, Kenney, Westfall, Graves, Stoll, Bentley, Childers, Russell, Rohrbach, Mueller, Sims, Steelman, Wiggins, Schneider and Scott.

An Act to amend chapter 135, RSMo, relating to tax relief by adding thereto one new section relating to the same subject, with an effective date.

SB 345-By Johnson.

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly referred to as "partial birth abortion", with penalty provisions.

SB 346-By Stoll.

An Act to repeal sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

SB 347-By House.

An Act to repeal section 166.260, RSMo Supp. 1998, relating to elementary grade foreign language instruction, and to enact in lieu thereof one new section relating to the same subject.

SB 348-By Wiggins.

An Act to repeal section 92.031, RSMo 1994, relating to debt service taxation in charter cities with a population of no less than three hundred thousand and no more than seven hundred thousand residents, and to enact in lieu thereof one new section relating to the same subject.

SB 349-By Graves.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement.

SJR 21-By Mathewson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the

Constitution of Missouri relating to refunds of excess total state revenues, and adopting one new section in lieu thereof relating to the same subject.

SJR 22-By Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri relating to classification of counties.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gracia Y. Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steven P. Gietschier, 3826 Secretariat Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 261--Public Health and Welfare.

SB 262--Insurance and Housing.

SB 263--Insurance and Housing.

SB 264--Civil and Criminal Jurisprudence.

SB 265--Education.

SB 268--Transportation.

SB 269--Pensions and General Laws.

SB 270--Transportation.

SB 271--Civil and Criminal Jurisprudence.

SB 272--Commerce and Environment.

SB 273--Elections, Veterans' Affairs and Corrections.

SB 274--Public Health and Welfare.

SB 275--Civil and Criminal Jurisprudence.

SB 276--Public Health and Welfare.

SB 277--Agriculture, Conservation, Parks and Tourism.

SB 278--Financial and Governmental Organi-zation.

SB 279--Insurance and Housing.

SB 282--Financial and Governmental Organi-zation.

SB 283--Ways and Means.

SB 284--Elections, Veterans' Affairs and Corrections.

SB 285--Ethics.

SB 286--Education.

SB 287--Ways and Means.

SB 290--Education.

SB 292--Aging, Families and Mental Health.

SB 293--Ways and Means.

SB 294--Transportation.

SB 297--Public Health and Welfare.

SB 298--Civil and Criminal Jurisprudence.

SB 299--Financial and Governmental Organi-zation.

SB 300--Commerce and Environment.

SB 301--Education.

SB 302--Aging, Families and Mental Health.

SB 304--Local Government and Economic Development.

SB 305--Public Health and Welfare.

SB 306--Appropriations.

SB 307--Transportation.

SB 308--Pensions and General Laws.

SB 309--Financial and Governmental Organization.

SB 310--Agriculture, Conservation, Parks and Tourism.

SB 311--Insurance and Housing.

SB 312--Local Government and Economic Development.

SB 313--Civil and Criminal Jurisprudence.

SB 314--Pensions and General Laws.

SB 315--Financial and Governmental Organization.

SB 316--Judiciary.

SB 317--Public Health and Welfare.

SB 318--Ways and Means.

SB 319--Public Health and Welfare.

SB 320--Education.

SB 321--Civil and Criminal Jurisprudence.

SB 322--Aging, Families and Mental Health.

SB 323--Education.

SB 324--Aging, Families and Mental Health.

SJR 20--Education.

Senator Mathewson assumed the Chair.

INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and 1,000 copies ordered printed:

SJR 23--By Mathewson, Schneider, Clay, Banks, Johnson, Goode and Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Wilson assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Mueller requested unanimous consent that the rules be suspended and that **SCR 9** be taken up for 3rd reading and final passage, which request was granted.

Senator Mueller moved that **SCR 9** be read the 3rd time and finally passed.

Senator Schneider offered **SS** for **SCR 9**:

SENATE CONCURRENT RESOLUTION NO. 9

An act by concurrent resolution to approve the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials filed the 1998 Report and Compensation Schedule (Appendix A) with the Revisor of Statutes and the Secretary of State on November 30, 1998; and

WHEREAS, the Missouri General Assembly wishes to commend the Commission for its hard work and dedication it has shown in completing its constitutional duties since 1996; and

WHEREAS, subsequent to the Commission's report, a decision and order was entered in the Circuit Court of Cole County providing that the schedule does not establish salaries payable to public officials, since the constitution provides that the proposed salaries are "subject to appropriations" and that appropriations are a condition precedent and that the schedule is a maximum limit over which the legislature can not appropriate salaries; and

WHEREAS, rejection of the 1998 report and compensation schedule will result in the 1996 report and compensation schedule remaining in effect and applicable for state fiscal years 2000 and 2001; and

WHEREAS, the Commission has strongly emphasized that the differentials between categories of judges be maintained, but the differences in pay between circuit judges and associate circuit judges be decreased; and

WHEREAS, rejection of the 1998 report and compensation schedule would allow large increases in salaries for members of the General Assembly as provided in the 1996 report:

NOW, THEREFORE, BE IT RESOLVED that it is the sense of the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the

1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, be accepted and that adequate salaries be appropriated to reduce the disparities between the salaries of circuit judges and associate circuit judges.

Senator Schneider moved that **SS** for **SCR 9** be read the 3rd time and finally passed.

Senator Rohrbach raised the point of order that the substitute resolution is out of order as it is a negative motion which is improper.

The point of order was referred to the President Pro Tem who took it under advisement.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Amy Smith, Brian Whorley, Jeannine Goers, and Lynn Coffey, Springfield.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 26, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and heavenly Father: The faith of these men and women here is not the kind to "climb a mountain and sit and wait," for You have created them to be doers of Your Will. So we pray, grant them Your Spirit of discernment and a right judgment, and we pray for Senator Steelman's husband, following his surgery, that you will provide your healing power to flow through his body bringing him to health and wholeness. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Jacob moved that the Journal for Monday, January 25, 1999, be corrected on page 136, column 1, line 33, by deleting the name "Schneider" and inserting in lieu thereof the name "Johnson", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

Senator Jacob announced that photographers from the Senate had been given permission to take pictures in the Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Ehlmann--1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

RESOLUTIONS

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 129

WHEREAS, the members of the Missouri Senate are always pleased to recognize those outstanding Missourians who have distinguished themselves through support and leadership in their communities; and

WHEREAS, Jean A. Kersting, an esteemed resident of Kirkwood, Missouri, will be honored as the 1998 Kirkwood Area Chamber of Commerce Citizen of the Year during the Chamber's Annual Installation Dinner to be held January 30, 1999; and

WHEREAS, a Certified Insurance Counselor and co-owner of C.W. Rea Insurance Agency in Kirkwood, Jean Kersting recently graduated with honors from Washington University after many years of study and dedication; and

WHEREAS, an active participant in the "International Politics" Master's program at Washington University, Jean Kersting was selected as an independent international observer who assisted the Mexican government in its recent national election and was also chosen to go to the Middle East for a twenty-day trip to Israel and Palestine; and

WHEREAS, current President of the Kirkwood-Webster Groves Rotary, Jean Kersting played an integral role in the success of the committee for the Out-Bound and In-Bound Youth Exchange program, the Ghost Ride Program, the City of Kirkwood Tax Increment Finance Committee (TIF), and the Meacham Park TIF Committee; and

WHEREAS, an avid runner, Jean Kersting has participated in six marathons while somehow finding the time and energy to serve on various boards and committees that include the Edu-Care Executive Board, the election campaign for State Representative Michael Gibbons, the Special Business District, the Crime Prevention Committee, and the City of Kirkwood Finance Committee; and

WHEREAS, born in St. Charles County, Jean Kersting considers herself most fortunate for the love, support, and encouragement she has continually received from her wonderful family which includes her devoted husband and their two beautiful Weimaraners:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Jean Kersting upon her selection as the 1998 Kirkwood Area Chamber of Commerce Citizen of the Year, and in wishing her only the very best in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Citizen of the Year Jean A. Kersting.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 130

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished herself as a leader of her community; and

WHEREAS, Beth Fitzgerald, an esteemed resident of Kirkwood, Missouri, will be honored as the 1998 Kirkwood Area Chamber of Commerce Business Person of the Year during the Chamber's Annual Installation Dinner to be held January 30, 1999; and

WHEREAS, Beth Fitzgerald has served as Executive Director of The Magic House in Kirkwood since the opening of the museum in 1979, and has witnessed with pleasure its tremendous growth to include three expansions, including a recent addition that more than doubled the museum's size; and

WHEREAS, The Magic House, which has earned national recognition for its outstanding exhibits and educational programming, provides children with hands-on learning experiences that encourage experimentation, creativity, and the development of problem-solving skills, and offers exhibits and programs that are designed specifically for children to foster their natural curiosity and desire to learn; and

WHEREAS, the third most attended children's museum in the country, The Magic House attracts more than 400,000 visitors annually and serves as a top tourist attraction for the Kirkwood area, success that has led Beth Fitzgerald to partner with the Kirkwood Area Chamber of Commerce in cross-marketing area businesses and services to the large number of visitors; and

WHEREAS, the recipient of a Master's degree in Early Childhood Education and author of the "Wonder House", Beth Fitzgerald is exceedingly proud of her affiliation with the Association of Youth Museums, the St. Joseph Hospital of Kirkwood Advisory Board, the Kirkwood Rotary Club, and the Kirkwood Area Chamber of Commerce; and

WHEREAS, Beth Fitzgerald considers herself most fortunate for the love, support, and encouragement of her wonderful family which includes her

devoted husband, Brock, the Director of Purina Farms in Gray Summit; and her three children:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Beth Fitzgerald upon her selection as the 1998 Kirkwood Area Chamber of Commerce Business Person of the Year, and in wishing her only the very best in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 1998 Business Person of the Year Beth Fitzgerald.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 131

WHEREAS, the members of the Missouri Senate always enjoy recognizing those individuals who have devoted themselves to various community betterment efforts through their tireless work as volunteers and informal civic leaders; and

WHEREAS, Skip Barthelmass of Kirkwood, Missouri, is the esteemed 1998 "Volunteer of the Year" for the Kirkwood Area Chamber of Commerce which will honor him during an Installation Celebration and Dinner on January 30, 1999; and

WHEREAS, past President of the Kirkwood Area Chamber of Commerce, Skip Barthelmass has demonstrated an extraordinary commitment to the City and its Parks and Recreation Department throughout the last three decades; and

WHEREAS, Skip Barthelmass holds the position of General Logistics Coordinator for the annual two-week-long Greentree Festival in Kirkwood Park which has a spectacular thirty-two-year history, requires a budget of over \$50,000, and attracts crowds of approximately 60,000 people for both of the two weekends it covers; and

WHEREAS, as Logistics Coordinator, Skip Barthelmass contributes innumerable hours preparing for traffic, parking, and crowd control with many of the necessary materials and devices willingly provided at his own expense; and

WHEREAS, a previous "Citizen of the Year", Skip Barthelmass coordinates traffic flow for the parade and festival grounds, sets up parking lots for regular and special visitors, ensures the grounds are cleaned, and collects recyclable materials from trash containers in order to fund Scouting programs in the area; and

WHEREAS, not content to emphasize only one civic event, Skip Barthelmass admirably performs the same tasks for the Freedom Fiesta held annually on the Fourth of July and any other Parks event such as Halloween festivities, balloon glows, and bicycle races:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to commend Skip Barthelmass for the perseverance and drive which he has so admirably channeled into volunteer community service through the Parks and Recreation Department; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 1998 Volunteer of the Year, Skip Barthelmass of Kirkwood, Missouri.

Senator Graves offered Senate Resolution No. 132, regarding Luke Austin Sizemore, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 133, regarding Ryan Christopher Hager, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 134, regarding Loyd Murl Heaton, III, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 135, regarding Cory Dale Gregg, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 136, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Payne Rouse, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 137, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Sprague, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 138, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James

E. Gipe, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 139, regarding Scott Graham, Nodaway County, which was adopted.

Senator Graves offered Senate Resolution No. 140, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William E. Mitchell, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 141, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Cecil Jones, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 142, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Brown, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 143, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Elbert S. Payne, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 144, regarding the Ninety-sixth Birthday of Dell Morris, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 145, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Glenn Smith, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Franklin Hudson, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 147, regarding the Ninetieth Birthday of Eva Shipp, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 148, regarding the One Hundredth Birthday of Bertha Wilson, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 149, regarding the Ninetieth Birthday of William Hartman, Barnard, which was adopted.

Senator Graves offered Senate Resolution No. 150, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles E. Hillyard, Pattonsburg, which was adopted.

Senator Graves offered Senate Resolution No. 151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Haley, Chillicothe, which was adopted.

Senator Yeckel offered Senate Resolution No. 152, regarding Sue Ellyn McKee, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 153, regarding Kinnerly Elementary School, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 154, regarding Harry S Truman Elementary School, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 350-By Clay and Scott.

An Act to repeal section 86.317, RSMo 1994, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 351-By Johnson and Russell.

An Act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 352-By Staples.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to conservation license plates.

SB 353-By Goode.

An Act to repeal sections 260.475 and 260.479, RSMo 1994, relating to fees on hazardous waste, and to enact in lieu thereof two new sections relating to the same subject.

SB 354-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 355-By Maxwell.

An Act to repeal sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.071, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031, 381.231, 381.410 and 381.412, RSMo Supp. 1998, relating to the Missouri title insurance act, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions and an effective date.

SB 356-By Maxwell.

An Act to repeal sections 52.260, 137.130, 137.720, 137.722 and 137.750, RSMo 1994, section 138.395, RSMo Supp. 1998, section 163.031 as enacted by house bills nos. 641 & 593 in the eighty-ninth general assembly, first regular session, and section 163.031 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, relating to ad valorem property tax collections, and to enact in lieu thereof eight new sections relating to the same subject, with effective dates for certain sections.

CONCURRENT RESOLUTIONS

President Pro Tem Quick ruled the pending point of order on **SS** for **SCR 9** well taken.

SCR 9 was again taken up.

Senator Schneider offered **SS No. 2** for **SCR 9**:

SENATE SUBSTITUTE NO. 2 FOR

SENATE CONCURRENT RESOLUTION NO. 9

An act by concurrent resolution to approve the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials filed the 1998 Report and Compensation Schedule (Appendix A) with the Revisor of Statutes and the Secretary of State on November 30, 1998; and

WHEREAS, the Missouri General Assembly wishes to commend the Commission for its hard work and dedication it has shown in completing its constitutional duties since 1996; and

WHEREAS, subsequent to the Commission's report, a decision and order was entered in the Circuit Court of Cole County providing that the

schedule does not establish salaries payable to public officials, since the constitution provides that the proposed salaries are "subject to appropriations" and that appropriations are a condition precedent and that the schedule is a maximum limit over which the legislature can not appropriate salaries; and

WHEREAS, rejection of the 1998 report and compensation schedule will result in the 1996 report and compensation schedule remaining in effect and applicable for state fiscal years 2000 and 2001; and

WHEREAS, the Commission has strongly emphasized that the differentials between categories of judges be maintained, but the differences in pay between circuit judges and associate circuit judges be decreased; and

WHEREAS, providing the fixed dollar increases recommended by the Commission rather than percentage increases in salaries recommended by the Governor does not result in substantially different salary figures for judges; and

WHEREAS, rejection of the 1998 report and compensation schedule would allow large increases in salaries for members of the General Assembly as provided in the 1996 report:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the Missouri Citizens Commission on Compensation for Elected Officials, be commended.

Senator Schneider moved that **SS No. 2** for **SCR 9** be read the 3rd time and finally passed.

Senator Mueller raised the point of order that **SS No. 2** for **SCR 9** is out of order in that it is similar to the first substitute by attempting to change a negative to a positive.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCR 9 was again taken up.

Senator Staples assumed the Chair.

At the request of Senator Mueller, the motion to 3rd read and finally pass **SCR 9** was withdrawn, placing the concurrent resolution on the calendar.

RESOLUTIONS

On behalf of Senator Ehlmann, Senator Quick offered Senate Resolution No. 155, regarding Paul A. Frick, St. Peters, which was adopted.

On behalf of Senator Ehlmann, Senator Quick offered Senate Resolution No. 156, regarding Matthew C. Frick, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 157, regarding Charlene McCune, Bowling Green, which was adopted.

Senator House offered Senate Resolution No. 158, regarding the Seventy-fifth Anniversary of the Louisiana Rotary Club, which was adopted.

Senator Mueller offered Senate Resolution No. 159, regarding the One Hundredth Birthday of Mr. William Phillip Benz, Eureka, which was adopted.

On motion of Senator Jacob, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

On motion of Senator Jacob, the Senate recessed until 6:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 160, regarding Lillian McKnight, Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 161, regarding James Thomas Harrelson, Kansas City, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 266--Civil and Criminal Jurisprudence.

SB 267--Transportation.

SB 280--Education.

SB 281--Insurance and Housing.

SB 295--Judiciary.

SB 296--Transportation.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCRs 6** and **7**, entitled:

An Act by concurrent resolution to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTIONS NOS. 6 and 7

An act by concurrent resolution to disapprove the recommendations of the Missouri Citizen's Com-mission on Compensation for Elected Officials.

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the members of the General Assembly and state judges is to be set by the Missouri Citizen's Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1998; and

WHEREAS, the Revisor of Statutes has received the 1998 Report and Compensation Schedule (Appendix A) of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent

resolution adopted by the General Assembly by February 1, 1999; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, hereby reject the 1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 11, 1999

The Honorable Mary Groves Bland

Missouri Senate

State Capitol, Room 334

Jefferson City, MO 65101

Dear Senator Bland:

Pursuant to Section 197.310, it is my pleasure to hereby appoint you to the Missouri Health Facilities Review Committee. Your appointment fills the vacancy on the committee which was created by the resignation of Senator Danny Staples.

Your willingness to serve the people of Missouri on this important committee is appreciated. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed

Edward E. Quick

President Pro Tem

Also,

January 19, 1999

The Honorable Steve Stoll

Missouri Senate

State Capitol, Room 429

Jefferson City, MO 65101

Dear Senator Stoll:

Pursuant to Section 173.300, RSMo 1994, it is my pleasure to appoint you to the Education Commission of the States. Your appointment will fill the vacancy created by the expired term of Senator Joe Maxwell.

If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Missouri Senate

District 17

INTRODUCTIONS OF GUESTS

Senator Goode introduced to the Senate, Julie Bell, Denver, Colorado.

Senator Mathewson introduced to the Senate, Josh Paddock and Chris Urick, Independence.

Senator Caskey introduced to the Senate, Vicki Stein, Belton.

Senator Wiggins introduced to the Senate, Jordan Godsell, Chris Summers, Ashley and Gabriel Myers, Rachel Williamson, Rev. Charlie Paine and Denny Niebaum, Kansas City.

Senator Bentley introduced to the Senate, Mary Stone, Springfield.

Senator Bland introduced to the Senate, Mario Rohas, Kansas City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 27, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God heavenly Father: Grant unto this day the wisdom to pass legislation bearing fruits of Your righteousness: discovered by the work of solid research, by listening to those most affected by our resolutions and quietly discussed with You in prayer. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 162, regarding Daniel Botts, Mt. Vernon, which was adopted.

On behalf of Senator Scott, Senator Quick offered Senate Resolution No. 163, regarding Christopher W. Engelbart, Webster Groves, which was adopted.

Senator Bentley offered Senate Resolution No. 164, regarding Katherine A. Allen, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 165, regarding the Equine Clinic, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 166, regarding the Medicine Shoppe, Springfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 357-By Klarich.

An Act to authorize the conveyance of various land rights in certain state park property.

SB 358-By Stoll.

An Act to amend chapter 144, RSMo, relating to state sales tax exemptions for amusement and vending machines by adding thereto one new section relating to the same subject.

SB 359-By Mueller, Rohrbach and Westfall.

An Act to repeal sections 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.045, 700.050, 700.060, 700.090 and 700.100, RSMo 1994, and section 700.040, RSMo Supp. 1998, relating to manufactured housing, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 360-By Maxwell.

An Act to repeal sections 455.067 and 455.083, RSMo Supp. 1998, relating to interstate orders of protection, and to enact in lieu thereof two new sections relating to the same subject.

SB 361-By Westfall.

An Act to repeal section 278.130, RSMo 1994, relating to soil and water districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 362-By Westfall.

An Act to repeal sections 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265 and 324.267, RSMo Supp. 1998, relating to the licensure of massage therapists, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 363-By Bentley.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to clinical nutritionists.

SB 364-By Ehlmann.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

SB 365-By Ehlmann.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to student participation in statewide assessments.

REFERRALS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCS for **HCRs 6** and **7**--Rules, Joint Rules and Resolutions.

President Pro Tem Quick re-referred **SB 211** to the Committee on Aging, Families and Mental Health.

On motion of Senator DePasco, the Senate recessed until 11:30 a.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John P. Smith, 102 Leisure Lane, Ozawkie, Kansas 66070, as Director of the Division of Credit Unions, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Sandra Branson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary S. "Molly" Strassner, 23 Westmoreland Place, St. Louis City, Missouri 63108, as a public member of the Video Instructional Development and Educational Opportunity Program, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, James C. Kirkpatrick, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Dickerson, Democrat, 3449 East Lakewood, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John W. Briscoe, Democrat, 209 College, New London, Ralls County, Missouri 63459, as a member of the Truman State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wilma J. Maddox, Republican, 808 Sunset Drive, Macon, Macon County, Missouri 63552, as a member of the Truman State University Board of Governors, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCRs 6** and **7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 291, Page 1, In the Title, Line 6, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 33, Section 516.350, Line 25, by inserting immediately after all of said line the following:

"Section B. Because of the need to comply with federal mandates, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."

RESOLUTIONS

Senator Howard offered Senate Resolution No. 167, regarding Reverend Scott Keller, Malden, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, John Moore, Ballwin; and Joe Clote, Glendale.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit; who was made an honorary page.

Senator Maxwell introduced to the Senate, Hank Milius, Mexico.

Senator Wiggins introduced to the Senate, the Physician of the Day, Dr. Barbara Goolsbee Bollier, Kansas City.

Senator Bentley introduced to the Senate, William V. Turner, Springfield.

Senator Singleton introduced to the Senate, Richard Russell, Joplin; and Walter Moore, Carthage.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 28, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Lord God, gracious Father: As grateful as we are to serve in the Senate we are also grateful that it's Thursday. After less than a month we find how quickly we are behind in our commitments back home. Help us, we pray, to be as attentive and caring there as we are here. And ride with us this day to our safe arrival home. This we ask in Your Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KOMU TV-NBC 8 and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 168, regarding Sharp's Import Auto Centre, Joplin, which was adopted.

Senator Rohrbach offered Senate Resolution No. 169, regarding Nancy L. Backes, Osage City, which was adopted.

Senator Mathewson offered Senate Resolution No. 170, regarding Space Craft, Concordia, which was adopted.

Senator Stoll offered Senate Resolution No. 171, regarding the Ninetieth Birthday of Mrs. Dorothy Horn Maloney, Festus, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 366-By House.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

SB 367-By Kenney.

An Act to repeal section 304.200, RSMo Supp. 1998, relating to the regulation of housemovers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 368-By Clay.

An Act to repeal section 334.100, RSMo Supp. 1998, relating to physical therapists, and to enact in lieu thereof three new sections relating to the same subject.

SB 369-By Sims.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to the regulation of property tax consultants, with penalty provisions.

SB 370-By Flotron, Klarich, Maxwell, Kinder and Childers.

An Act to amend chapter 1, RSMo, by adding thereto five new sections relating to the prohibition of interference with the free exercise of religion absent a compelling state interest, with a severability clause.

SB 371-By Flotron, Goode and Quick.

An Act to repeal section 513.653, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof one new section relating to the same subject.

SB 372-By Graves.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for farmers.

SB 373-By DePasco and Jacob.

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1998, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 27, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on June 4, 1998 for your advice and consent:

Michael Dunlap, M.D., 504 North Leonard Road, St. Joseph, Buchanan County, Missouri 64506, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **SB 295** and **SB 46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE CONCURRENT RESOLUTIONS

HCS for **HCRs 6** and **7**, entitled:

An Act by concurrent resolution to disapprove the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

Was taken up for 3rd reading and final passage by Senator Staples.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines; and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by inserting after the word "1998" on said line, the following: "only if the Missouri Supreme Court finds that the 1996 compensation schedule is in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts".

Senator Flotron moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Mueller requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Kenney, Singleton and Staples.

President Pro Tem Quick assumed the Chair.

Senator Schneider offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Line 8 of the amendment, by striking "only if" and substitute "unless".

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Schneider moved that **SA 1** to **SA 1** be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

SA 1, as amended, was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Klarich	Mathewson	Maxwell	Mueller
Quick	Schneider	Sims	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Childers	Kenney	Kinder	Rohrbach
Russell	Singleton	Staples	Stelman
Westfall--9			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bentley	Scott--3	

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 17, by inserting immediately after all of said line the following:

"WHEREAS, subsequent to the Commission's report, a decision and order was entered in the Circuit Court of Cole County finding that the schedule alone does not establish salaries payable to public officials, since by constitution the proposed salaries are "subject to appropriations" and finding that appropriations are a condition precedent and further, that the schedule is a maximum limit over which the legislature can not appropriate salaries; and".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HCS** for **HCRs 6 and 7**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Clay	Russell--2		
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bentley	Scott--3	

The President declared the concurrent resolution passed.

On motion of Senator Staples, title to the concurrent resolution was agreed to.

Senator Staples moved that the vote by which the concurrent resolution passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 374-By Mathewson.

An Act to repeal section 287.203, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 375-By Mathewson, Russell, Westfall, Maxwell, Childers, Johnson, Singleton, Bentley, Staples, Stoll, Kenney, Klarich, Steelman, Graves, Mueller, Howard, House and Jacob.

An Act to amend chapter 262, RSMo, relating to promotion of agriculture and horticulture by adding thereto four new sections relating to the southern dairy compact, with penalty provisions.

SB 376-By Howard.

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 377-By Howard.

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

SB 378-By Bland and Banks.

An Act to repeal section 332.321, RSMo 1994, relating to dentists, and to enact in lieu thereof two new sections

relating to the same subject.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 193**.

Emergency clause adopted.

Bill ordered enrolled.

On motion of Senator DePasco, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1 to SA 1, SA 1**, as amended, **SA 2 to HCS** for **HCRs 6 and 7**, and request the Senate recede from its position.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SA 1 to SA 1, SA 1**, as amended and **SA 2 to HCS** for **HCRs 6 and 7** and request the House to grant the Senate a conference thereon.

Senator Singleton offered a substitute motion that the Senate recede from its position on **SA 1**, as amended, and **SA 2 to HCS** for **HCRs 6 and 7** and adopt **HCS** for **HCRs 6 and 7**.

Senator Singleton requested a roll call vote be taken on the above motion and was joined in his request by Senators Flotron, Graves, Kinder and Maxwell.

Senator Caskey raised the point of order that Senator Singleton's substitute motion is out of order as it requires a suspension of the rules for the motion to be proper.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered a substitute motion that the Senate recede from its position on **SA 2** and requested a roll call vote be taken. He was joined in his request by Senators Flotron, DePasco, Kinder and Childers.

The substitute motion made by Senator Singleton failed of adoption by the following vote:

YEAS--Senators			
Childers	Kinder	Mueller	Rohrbach
Russell	Singleton	Steelman	Westfall--8
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Ehlmann	Flotron	Graves	Howard
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Schneider	Sims

Staples	Wiggins	Yeckel--19	
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bentley	Goode	House
Jacob	Scott	Stoll--7	

Senator Staples moved that the Senate refuse to recede from its position on **SA 1** to **SA 1, SA 1**, as amended and **SA 2** to **HCS** for **HCRs 6** and **7** and request the House to grant the Senate a conference thereon, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until called by the President.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 172, regarding John Devin Tressler, St. Peters, which was adopted.

Senator Singleton offered Senate Resolution No. 173, regarding Central Christian Center, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 174, regarding the Carthage Water & Electric Plant, which was adopted.

Senator Caskey offered Senate Resolution No. 175, regarding Midwest Supply, Incorporated, Belton, which was adopted.

Senator House offered Senate Resolution No. 176, regarding Select Steel Services, Defiance, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant the Senate a conference and request the Senate recede from its position on **SA 1** to **SA 1, SA 1** as amended, **SA 2** to **HCS** for **HCRs 6** and **7**.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SA 1** to **SA 1, SA 1**, as amended, and **SA 2** to **HCS** for **HCRs 6** and **7** and request the House to grant the Senate a conference thereon.

Senator Singleton requested a quorum be established by roll call vote, which request was granted.

The following Senators were present:

	Present--Senators		
Caskey	Childers	DePasco	Ehlmann
Flotron	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--25			

Absent--Senators--None

Absent with leave--Senators

Banks	Bentley	Bland	Clay
Goode	House	Jacob	Scott
Stoll--9			

Senator Schneider offered the following substitute motion:

I move that the Senate refuse to recede from its position on House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7 as amended and request that the House grant a conference thereon to consider the following Conference Committee Amendment in lieu of Senate Amendment No. 1:

PROPOSED CONFERENCE COMMITTEE SUBSTITUTE AMENDMENT FOR SENATE AMENDMENT NO. 1,
as amended

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines; and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by inserting after the word "1998" on said line, the following: "unless the Missouri Supreme Court finds that the 1996 compensation schedule was in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts";

And further that if the court should find that the 1996 schedule determines compensation, without regard to appropriations, in that event the 1998 schedule is not rejected;

And further, if the court rules that the 1996 schedule was properly rejected by the Eighty-Ninth General Assembly, then in that event the 1998 schedule is not rejected."

Senator Schneider moved that the above substitute motion be adopted.

Senator Singleton requested a roll call vote be taken on the adoption of the substitute motion and was joined in his request by Senators Childers, Mathewson, Mueller and Westfall.

The substitute motion made by Senator Schneider was adopted by the following vote:

	YEAS--Senators		
Caskey	DePasco	Ehlmann	Flotron
Graves	Howard	Johnson	Klarich
Mathewson	Maxwell	Quick	Schneider
Staples	Wiggins	Yeckel--15	
	NAYS--Senators		
Childers	Kenney	Kinder	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall--10		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bentley	Bland	Clay
Goode	House	Jacob	Scott

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House adjourned at 4:03 p.m., Thursday, January 28, 1999, and will reconvene at 4:00 p.m., Monday, February 1, 1999.

COMMUNICATIONS

Senator Caskey submitted the following:

January 28, 1999

Mrs. Terry Spieler

Secretary of Senate

Dear Mrs. Spieler:

This letter is to inform you that the Missouri Senate Committee on Ethics has officially recognized the formation of the River Alliance Republican Caucus on this day, January 28, 1999. A letter requesting the recognition, complete with a listing of caucus members, is attached.

Very truly yours,

/s/ Harold L. Caskey

Harold L. Caskey

Also,

January 27, 1999

Senator Harold Caskey, Chairman

Senate Ethics Committee

Room 320, State Capitol

Jefferson City, MO

Dear Senator Caskey:

I would like the "River Alliance Republican Caucus" to be recognized as a Senate caucus. The following senators are members of this caucus:

Senator Steve Ehlmann

Senator Franc Flotron

Senator David Klarich

Senator Walt Mueller

Senator Betty Sims

Senator Anita Yeckel

Senator Sarah Steelman

Senator Peter Kinder

Senator Larry Rohrbach

Senator John Russell

Senator Bill Kenney

Thank you for your assistance.

Sincerely,

/s/ David J. Klarich

DAVID J. KLARICH

State Senator

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, members of the Kansas City Royals Organization: Johnny Damon, Larry Sutton, Jeremy Giambi, Mike Sweeney, Shane Halter, Jim Lachimia, Shani Tate, Mande Schaa, Byron Shores, Ryan

Lefebure and Sue Rayson; and members of the St. Louis Cardinals Organization: Al Hrabosky, Joe Cunningham, Ken Reitz, Alan Benes, Eli Marrero, Rick Croushore, Mark Little, Tony Simokaitis, Mike Hall, Theron Morgan, Matt Gifford, Tim Falkner, Thane van Breusegen and Kevin Stretch.

Senator Staples introduced to the Senate, Melany Williams, Shannon County.

Senator Rohrbach introduced to the Senate, the Physician of the Day, Susan Burkhart, M.D., California.

Senator Steelman introduced to the Senate, Buzz Harvey, Rolla.

Senator Ehlmann introduced to the Senate, Judy Zerr, St. Charles; Ruth Anne Williams, Dent County; and Sherece Eivins, Harrison County.

Senator Steelman introduced to the Senate, Ruth Anne Williams, Salem.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 1, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY--MONDAY, FEBRUARY 1, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and heavenly Father: Sometimes as we make our way through the mire of resolutions we feel we are in the fog we drove through to get here this day. So we pray, help and guide us as You did in bringing us safely here and direct our minds and hearts so as to make decisions and cast our votes as in keeping with Your will for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 28, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 177, regarding MAC Enterprises, Kansas City, which was adopted.

Senator House offered Senate Resolution No. 178, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. James Aubuchon, St. Charles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 179, regarding the Ninetieth Birthday of Marvin Lee Allee, McGirk, which was adopted.

Senator Banks offered Senate Resolution No. 180, regarding Mid.Tec Corporation of St. Louis, which was adopted.

Senator Wiggins offered Senate Resolution No. 181, regarding the death of Dr. Floyd C. Atwell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 182, regarding the death of Dixie Don Hanson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 183, regarding the death of Anne Lenaghan Dolan, Kansas City, which was adopted.

Senator Flotron offered Senate Resolution No. 184, regarding Robert F. "Bob" Tehan, Chesterfield, which was adopted.

Senator Bentley offered Senate Resolution No. 185, regarding the Equine Clinic, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 186, regarding Jared Brison, Springfield, which was adopted.

Senator Kinder offered Senate Resolution No. 187, regarding Charles "Speedy" Wagoner, Cape Girardeau, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 193**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 193**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 193, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Mathewson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 379-By Banks.

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to a cancer information reporting system, and to enact in lieu thereof three new sections relating to the same subject.

SB 380-By Scott.

An Act to repeal sections 144.010 and 144.030, RSMo Supp. 1998, relating to sales tax exemptions, and to enact in lieu thereof two new sections relating to the same subject.

SB 381-By Stoll.

An Act to repeal section 144.030, RSMo Supp. 1998, relating to exemptions from state and local sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 382-By Wiggins and Bland.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

SB 383-By Wiggins.

An Act to repeal sections 409.303, 409.305, 409.402, 409.408, 409.410, 409.412 and 409.823, RSMo 1994, and sections 409.201, 409.202, 409.204, 409.401, 409.406, 409.407 and 409.415, RSMo Supp. 1998, relating to the regulation of securities, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 384-By Howard.

An Act to repeal section 217.262, RSMo Supp. 1998, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

SB 385-By Yeckel.

An Act to repeal sections 160.534 and 164.303, RSMo Supp. 1998, relating to gambling moneys for schools, and to enact in lieu thereof three new sections relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 30, 1998 for your advice and consent:

Jeanette E. Griffin, 4500 South Lone Pine, Springfield, Greene County, Missouri 65804, as a public member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Benjamin Dennison, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the Senate return the above appointment to the Governor, pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Bruce B. Waugh, as a member of the Kansas City Board of Election Commissioners;

Also,

Deborah Ann Jantsch, as a member of the State Board of Health;

Also,

Juanita Chambers, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Barbara Gulick, as a member of the Committee for 911 Service Oversight;

Also,

Leslie F. Bond, Sr., M.D., as a member of the St. Louis City Board of Police Commissioners;

Also,

Edward M. Roth, as a member of the St. Louis City Board of Police Commissioners;

Also,

Barbara J. Dunning, as a member of the Missouri Board of Pharmacy;

Also,

Gary F. Sobocinski, R.Ph., as a member of the State Board of Pharmacy;

Also,

Daniel J. Betzler, as a member of the State Board of Certification of Interpreters;

Also,

Norma B. Clayton, as a member of the Linn State Technical College Board of Regents;

Also,

Deborah A. Kerr, Linda R. Bohrer and Wanda T. Terrell, as members of the Missouri Head Injury Advisory Council;

Also,

Annetta St. Clair, as a member of the Well Installation Board;

Also,

Greg N. Johnston, as the Small Business Ombudsman;

Also,

Arthur A. Bante and Janet B. Anderson, R.N., as members of the Missouri State Board of Nursing;

Also,

E. Maxine Thompson, as a public member and Rodney L. Beard, as a member of the Missouri Dental Board;

Also,

William V. Turner, as a member of the Missouri Development Finance Board;

Also,

Lynn A. Harmon, as a member of the Board of Trustees of the Public School Retirement System of Missouri;

Also,

Judy M. Phillips, as a member of the Missouri Board of Occupational Therapy;

Also,

Terry Edward Carlisle, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

John T. Witherspoon, as a member of the Safe Drinking Water Commission;

Also,

Dennis M. Cory, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

COMMITTEE APPOINTMENTS

President Pro Tem Quick submitted the following committee appointments:

Joint Committee on Administrative Rules: Senators Maxwell-Chair, Howard, Schneider, Ehlmann and Klarich.

Also,

Joint Committee on Capital Improvements and Leases Oversight: Senators Goode-Chair, Wiggins, Howard, Mueller and Rohrbach.

Also,

Joint Committee on Corrections: Senators Staples-Chair, Clay, DePasco, Mueller, Rohrbach and Westfall.

Also,

Joint Committee on Economic Development Policy and Planning: Senators Howard-Chair, Clay, Johnson, Westfall and Yeckel.

Also,

Joint Committee on Gaming and Wagering: Senators Jacob-Chair, DePasco, Scott, Kenney and Klarich.

Also,

Joint Committee on Health Care Policy and Planning: Senators Banks-Chair, Howard, Wiggins, Kinder and Sims.

Also,

Joint Committee on Legislative Research: Senators Wiggins-Chair, Caskey, DePasco, Goode, Stoll, Bentley, Childers, Flotron, Mueller and Rohrbach.

Also,

Joint Committee on Public Employee Retirement: Senators Scott-Chair, DePasco, Johnson, Rohrbach, Russell and Westfall.

Also,

Joint Committee on Transportation Oversight: Senators Staples-Chair, DePasco, Mathewson, Scott, Graves, Russell and Westfall.

Also,

Joint Committee on Wetlands: Senators Howard-Chair, Bland, Stoll, Steelman and Yeckel.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 346--Elections, Veterans' Affairs and Corrections.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 291**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Wiggins assumed the Chair.

On motion of Senator Caskey, **SB 291**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 188, regarding Mattie Belle Landing, Rochepoint, which was adopted.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY--TUESDAY, FEBRUARY 2, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

"Now we have received not the Spirit of the World, but the Spirit that is from God, so that we might understand the gifts bestowed on us by God."
(I Corinthians 2:12)

Gracious God: We give You thanks for the gifts we have received from You and rejoice that we are able to use them as we serve the people of Missouri. We pray, bless the result of these gifts if they are in keeping with Your will and forgive those results which cause another harm and give us a right understanding of ourselves and the usage of these gifts. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Russell offered Senate Resolution No. 189, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Woodrow Lee Cox, Springfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 386-By Clay.

An Act to repeal sections 362.247, 362.925, 365.010, 365.020, 456.040, 475.092 and 511.030, RSMo 1994, and sections 30.270, 143.471, 362.275, 362.550, 362.610, 408.035, 456.520 and 475.093, RSMo Supp. 1998, relating to banking, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 387-By Clay.

An Act to repeal sections 208.040 and 208.070, RSMo 1994, and to enact in lieu thereof three new sections relating to temporary assistance benefits.

SB 388-By Clay.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the Missouri critical teacher shortage forgivable loan program.

SB 389-By Clay.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to tax credits for public school donations.

SB 390-By Clay.

An Act to repeal section 161.415, RSMo Supp. 1998, relating to minority teaching scholarships, and to enact in lieu thereof one new section relating to the same subject.

SB 391-By Schneider, Mathewson, Staples, Klarich, Johnson and Kinder.

An Act to repeal section 311.190, RSMo 1994, relating to wine manufacturers license, and to enact in lieu thereof one new section relating to the same subject.

SB 392-By Goode.

An Act to repeal sections 302.130 and 302.171, RSMo Supp. 1998, relating to the issuance of drivers licenses, and to enact in lieu thereof three new sections relating to the same subject.

SB 393-By Goode.

An Act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 302.173 and 302.181, RSMo Supp. 1998, relating to the expiration date of driver's licenses and nondriver's licenses, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 394-By Quick.

An Act to repeal sections 140.110, 242.580, 243.370, 245.210 and 442.380, RSMo 1994, relating to ownership of property, and to enact in lieu thereof five new sections relating to the same subject.

SB 395-By Quick.

An Act to repeal section 644.031, RSMo Supp. 1998, relating to storm water control, and to enact in lieu thereof one new section relating to the same subject.

SJR 24-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 25**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 295** and **46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 295 and 46

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 295** and **46** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 8, Section 537.756, Line 12, by inserting immediately following said line the following section:

"Section 1. The provisions of this act increasing the liability of the state and its public entities shall only be applied to those causes of action that accrue on or after the effective date of this act."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 6, by striking the following: "five hundred" and inserting in lieu thereof the following: "**four hundred and ninety five**"; and further amend lines 6 and 7 by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill, page and section, lines 18 and 19 by striking the following: "five hundred" and inserting in lieu thereof the following: "**four hundred and ninety five**"; and

Further amend said bill, page and section, Line 19, by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill and section, page 6, line 31, by striking the following: "five hundred" and inserting in lieu thereof the following: "**four hundred and ninety five**".

Senator Maxwell moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Staples offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 6, by striking the following: "five hundred" and inserting in lieu thereof the following: "**three hundred**"; and further amend lines 6 and 7 by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill, page and section, lines 18 and 19 by striking the following: "five hundred" and inserting in lieu thereof the following: "**three hundred**"; and

Further amend said bill, page and section, Line 19, by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill and section, page 6, line 31, by striking the following: "five hundred" and inserting in lieu thereof the following: "**three hundred**".

Senator Staples moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Childers, Ehlmann, Kenney and Russell.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, Lines 2, 7 and 13 of the amendment, by striking "three" and substitute "four".

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS, SA 2, SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

Senator Staples assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 110**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 303--Judiciary.

SB 325--Pensions and General Laws.

SB 326--Aging, Families and Mental Health.

SB 327--Commerce and Environment.

SB 328--Civil and Criminal Jurisprudence.

SB 329--Aging, Families and Mental Health.

SB 330--Financial and Governmental Organi-zation.

SB 331--Education.

SB 332--Commerce and Environment.

SB 333--Local Government and Economic Development.

SB 334--Commerce and Environment.

SB 335--Civil and Criminal Jurisprudence.

SB 336--Civil and Criminal Jurisprudence.

SB 337--Judiciary.

SB 338--Insurance and Housing.

SB 339--Aging, Families and Mental Health.

SB 340--Local Government and Economic Development.

SB 341--Education.

SB 342--Judiciary.

SB 343--Insurance and Housing.

SB 344--Public Health and Welfare.

SB 345--Public Health and Welfare.

SB 347--Education.

SB 348--Ways and Means.

SB 349--Pensions and General Laws.

SB 350--Pensions and General Laws.

SB 351--Financial and Governmental Organi-zation.

SB 352--Transportation.

SB 353--Commerce and Environment.

SB 354--Education.

SB 355--Insurance and Housing.

SB 356--Local Government and Economic Development.

SB 357--Agriculture, Conservation, Parks and Tourism.

SB 358--Ways and Means.

SB 359--Transportation.

SB 360--Civil and Criminal Jurisprudence.

SB 361--Agriculture, Conservation, Parks and Tourism.

SB 362--Financial and Governmental Organi-zation.

SB 363--Public Health and Welfare.

SB 364--Elections, Veterans' Affairs and Corrections.

SB 365--Education.

SB 366--Ways and Means.

SB 367--Transportation.

SB 368--Public Health and Welfare.

SB 369--Local Government and Economic Development.

SB 370--Judiciary.

SB 371--Ways and Means.

SB 372--Agriculture, Conservation, Parks and Tourism.

SB 373--Local Government and Economic Development.

SB 374--Judiciary.

SB 375--Agriculture, Conservation, Parks and Tourism.

SB 376--Aging, Families and Mental Health.

SB 377--Aging, Families and Mental Health.

SB 378--Public Health and Welfare.

SJR 21--Pensions and General Laws.

SJR 22--Local Government and Economic Development.

SJR 23--Elections, Veterans' Affairs and Corrections.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 190, regarding the death of Congressman Gene Taylor, which was adopted.

Senator House offered Senate Resolution No. 191, regarding John Veach, Bowling Green, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Ron Hoffman, Jr., M.D., St. Louis.

Senator Kenney introduced to the Senate, Cecil, Terri, Jennifer, Lori, Eric, Holly, Adam and Tally Morris,

Homeschoolers from Lee's Summit; and Jennifer, Lori, Eric and Holly were made honorary pages.

Senator Steelman introduced to the Senate, Mavis, Annie, Austin, Elissa and Laurel Day, New Bloomfield; and Annie, Austin, Elissa and Laurel were made honorary pages.

Senator Sims introduced to the Senate, Ernie Jaworski and Colleen Mehan, St. Louis.

Senator Rohrbach introduced to the Senate, Leslie Kemna, St. Martins.

Senator Sims introduced to the Senate, Danielle Jackson, Joe McPherson, Sarita Melendez and Loe Bubeneck, St. Louis; and Danielle, Joe, Sarita and Loe were made honorary pages.

Senator Wiggins introduced to the Senate, Ken Bonar, Jack R. Calegari, Moak Albritton, Joe C. Blair, Bill Waggoner and Chuck Moldenhauer, Kansas City; and Harold L. Brucks, Independence.

Senator Johnson introduced to the Senate, Aaron Tiffany, Jessica Talley, Dustin Benner, Angi Cox, Andy Langdon, Bryan Metzinger, Tiffany Barmann, Caleb Moore, Jake Kelley, Amanda Dittmore, Derek Frieling and Janice Geary, St. Joseph.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, FEBRUARY 3, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Martin Luther is credited with saying, "Pray as if all depended on God and work as if all depended on you." Almighty God, Merciful Father: We gathered for fellowship and the hearing of Your Word this morning and now we gather to be about the work You have called us to perform. Let Your Word guide our hearts and minds and respond in devotion to service in Your kingdom here among Your people. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Wilson assumed the Chair.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Graves offered Senate Resolution No. 192, regarding Rains Natural Meats, Gallatin, which was adopted.

Senator Mueller offered Senate Resolution No. 193, regarding Bill DeArmond, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 194, regarding Mrs. Carol Gloss, Fenton, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 396-By Mathewson.

An Act to repeal section 320.230, RSMo 1994, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

SB 397-By Maxwell.

An Act to repeal sections 537.610 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof three new sections relating to the same subject.

SB 398-By Maxwell.

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 399-By Maxwell.

An Act to repeal section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to school finance, and to enact in lieu thereof one new section relating to the same subject.

SB 400-By Maxwell.

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040, RSMo Supp. 1998, relating to water and sewer service, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 401-By Maxwell.

An Act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

SB 402-By Rohrbach, Flotron, Klarich, Sims, Yeckel, Clay, Jacob, Goode, Schneider, Mueller and Howard.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

SB 403-By Rohrbach and Goode.

An Act to repeal sections 33.285 and 33.577, RSMo 1994, relating to certain funds, and to enact in lieu thereof one new section relating to the same subject, with a contingent effective date.

SB 404-By Goode.

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof five new sections relating to the same subject.

SB 405-By Scott, Schneider, Bentley, Stoll, Sims and Yeckel.

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799,

RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

SB 406-By Bentley.

An Act to repeal sections 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to community improvement districts, and to enact in lieu thereof four new sections relating to the same subject.

SB 407-By Mueller and Flotron.

An Act to repeal section 375.1518, RSMo Supp. 1998, relating to policy summaries for insurance policies, and to enact in lieu thereof one new section relating to the same subject.

SJR 25-By Rohrbach and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri relating to certain funds in the state treasury, and adopting one new section in lieu thereof relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, one of the state's highest duties is to protect and promote the well-being of its smallest citizens; and

WHEREAS, there were 230 abortions for every 1000 live births in 1996, over one-half of which were performed for women age twenty-four or younger; and

WHEREAS, the National Council for Adoption estimates the national number of adoptions of infants two years or younger to be approximately 25,000 a year; and

WHEREAS, Missouri generally represents approximately two per-cent of most broad based national statistics, which would result in a calculation of 500 infant adoptions annually, and in 1994, the Department of Health recorded 308 infant adoptions; and

WHEREAS, according to such a calculation, this state experiences thirty-four abortions for each infant adoption, despite the existence of many individuals who are willing and indeed waiting to adopt infants in this state; and

WHEREAS, there is a need to understand the basis for the disproportionate estimated number of abortions to adoptions, in order to assist in the formulation of an effective policy to facilitate a greater number of adoptions and to discourage abortions; and

WHEREAS, this type of understanding would be fostered by the creation of a panel to study the issue in depth, and to determine how best to initiate a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Ninetieth General Assembly, the House of Representatives concurring therein, hereby establish the "Adoption Trends and Policies Panel" to be composed of fifteen members. The members shall consist of two Senators appointed by the President Pro Tem of the Senate, representing each political party, two state Representatives appointed by the Speaker of the House, representing each of the major political parties, the Director of the Department of Social Services or designee, and the Director of the Department of Health or designee and nine citizen members appointed by the Governor; and

BE IT FURTHER RESOLVED that said panel conduct an in-depth study and make appropriate recommendations concerning measures to determine the basis for the disproportionate estimated number of abortions to adoptions, formulate a policy to facilitate a greater number of adoptions and to discourage abortions, determine how best to establish a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion, and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that the panel prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly no later than December 15, 1999; and

BE IT FURTHER RESOLVED that the panel may solicit any input and information necessary to fulfill its obligations, to the Department of Health, Department of Social Services, and representatives of private and public agencies and citizen groups formed to address issues concerning adoption and abortion; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the panel may require in performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the executive branch members be paid out of the respective department funds and the actual and necessary expenses of the remaining panel, its members and any staff personnel assigned to the committee incurred in attending meetings of the panel shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to be delivered to the Governor.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 408-By Wiggins.

An Act to repeal section 209.010, RSMo 1994, relating to blind pensions, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 15**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 153**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 214**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 220**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 312**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

Amend Senate Bill No. 312, Page 2, Section 94.110, Line 48, by striking the words "ten pin alleys, ball alleys,"; and
Further amend said bill, Page 3, Section 94.270, Line 24, by striking the words "ten pin alleys, ball alleys,"; and
Further amend said bill, Page 5, Section 94.360, Lines 51 & 52, by striking the words "ten pin alleys, ball alleys,".

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 291**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Quick referred **SB 291** to the Committee on State Budget Control.

Senator DePasco announced that photographers from the Associated Press and KQTV had been given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on August 31, 1998 for your advice and consent:

Dan W. Brown, D.V.M., Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick moved that the Senate return the above appointment to the Governor, pursuant to his request, which motion prevailed.

Senator Staples assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS, SA 2, SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

SA 1 to **SSA 1** for **SA 2** was again taken up.

Senator Maxwell offered **SSA 1** for **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, by amending lines 3, 7 and 13, by striking "three hundred" and insert in lieu thereof "**three hundred and twenty-five**".

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 1** to **SSA 1** for **SA 2** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 to **SSA 1** for **SA 2** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

SSA 1 for **SA 2** was again taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Yeckel--24

NAYS--Senators

Banks	Bland	Caskey	Childers
Clay	Jacob	Russell	Singleton

Wiggins--9

Absent--Senator Johnson--1

Absent with leave--Senators--None

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 409-By Wiggins.

An Act to repeal sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, relating to liens for the protection of licensed health practitioners, and to enact in lieu thereof five new sections relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Judy James, Rolla.

Senator Clay introduced to the Senate, Susie Cunningham-Shaw, St. Louis.

Senator Singleton introduced to the Senate, Tom and Geneva Cusack, Joplin.

Senator Caskey introduced to the Senate, Brad Fouch, Osage Beach.

Senator Maxwell introduced to the Senate, John Dial and Jonathan Finck, Mexico; and Ray Mallory, Palmyra.

Senator Russell introduced to the Senate, Marcia and T.H. "Rusty" Shadel, Lebanon.

Senator Bland introduced to the Senate, Anthony G. El, Kansas City.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 4, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: The Bible teaches us something of the varying levels of maturity that exist and Your Word teaches us how to gain strength through spiritual growth and experience. So we seek Your help to become more mature in our faith through the experiences we daily encounter here and at home and ask that we may benefit and grow from each encounter. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Jacob	Scott--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton requested unanimous consent of the Senate to have **SR 190** printed in the Journal, which request was granted.

SENATE RESOLUTION NO. 190

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the numerous achievements of a life gone by, that of longtime Missouri 7th District Congressman Gene Taylor, who passed to his eternal reward on October 27, 1998; and

WHEREAS, born on February 10, 1928, in Sarcoxie, Missouri, Gene Taylor received his education at Southwest Missouri State University in Springfield and worked as a schoolteacher, insurance agent, and auctioneer before assuming ownership of a Ford Dealership in his home town where he became active in civic affairs and Republican politics; and

WHEREAS, Gene Taylor began his career in public service as a Sarcoxie City Council member and as mayor, and served as chairman of the Jasper County Republican Committee, 7th District GOP Chairman, member of the Republican National Committee in the 1960s, and delegate to the Republican National Conventions in 1960 and 1968 before his initial election to the United States Congress in 1972; and

WHEREAS, a remarkable storyteller and friend to his many constituents of Southwest Missouri, Gene Taylor served on the Public Works and Transportation Committee, the Post Office and Civil Service Committee, and the Rules Committee during his impressive sixteen-year tenure in Congress where he was known as the sage of the Ozarks and was well-liked on both sides of the aisle; and

WHEREAS, prior to his retirement from Congress in 1988, Gene Taylor championed highway projects in the 7th Congressional District, received credit for getting new post offices built in Springfield and other cities in his district, and assisted in the establishment of a veterans clinic and nursing home at Mount Vernon; and

WHEREAS, a founding trustee and member of the Board of Regents of Missouri Southern State College in Joplin, Gene Taylor was sincerely admired and deeply respected throughout his community for his active affiliations with such civic and professional organizations as the Lions Club; Sarcoxie Masonic Lodge 293; the Scottish Rite of Joplin; Abou Ben Adhem Shrine of Springfield; Charity Chapter 341, Order of the Eastern Star; the Missouri Auto Dealers Association; and the Missouri Academy of Squires; and

WHEREAS, Gene Taylor leaves behind to cherish his memory his devoted wife of fifty-one years, Dorothy Wooldridge Taylor; his two children, Larry Taylor and Linda Cobine; his five grandchildren and one great-granddaughter; and a host of family and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Gene Taylor, a tireless advocate for the people of Missouri and a remarkable gentleman who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Dorothy Taylor, as an expression of our deepest sympathy.

President Wilson assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, many states and localities, based upon provisions of the Social Security Act, have affiliated with the Social Security System and developed excellent retirement and related programs that include both Social Security benefits and benefits from the respective state or local government pension plan; and

WHEREAS, other states and localities, in reliance upon the voluntary affiliation provisions, have not elected to participate in Social Security and have developed independent and excellent programs of retirement and related benefits; and

WHEREAS, the 105th Congress of the United States considered provisions to address the long-range funding issues of the Social Security System; and

WHEREAS, in considering such long-range funding issues, the 105th Congress of the United States considered legislation that would mandate Social Security coverage upon states and localities and their employees who have elected not to participate in Social Security; and

WHEREAS, the 106th Congress of the United States is expected to consider the issue of mandating Social Security coverage upon such employees of states and localities; and

WHEREAS, imposition of mandated Social Security coverage upon states, localities and their employees would create substantial cost pressures, necessitating rapid and ill-considered changes in plan design, including the possible abandonment of existing programs; and

WHEREAS, mandating Social Security coverage upon employees of states and localities who have elected not to participate in the Social Security

System would increase expenses of such states and localities, which could result in an increase of taxes to citizens of such states and localities; and

WHEREAS, the inclusion of states, localities and their employees in the Social Security System would not solve the System's long-range funding problems; and

WHEREAS, serious constitutional questions are raised by the imposition of mandatory Social Security coverage of states, localities and their employees:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that it record strong opposition to mandatory Social Security coverage for public employees of state and local governments; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby support the affiliation of states, localities and their employees with Social Security and Medicare only by means of a voluntary referendum; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 410-By Howard.

An Act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 411-By Maxwell.

An Act to repeal sections 59.020, 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260 and 59.300, RSMo 1994, relating to recorder of deeds, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 412-By Goode.

An Act to repeal section 130.057, RSMo Supp. 1998, relating to certain campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

SB 413-By Johnson, Mathewson, Wiggins, Staples and Maxwell.

An Act to repeal section 329.190, RSMo Supp. 1998, relating to the state board of cosmetology, and to enact in lieu thereof one new section relating to the same subject.

SB 414-By Stoll.

An Act to repeal sections 142.815, 142.824, 142.875, 142.905 and 142.908, RSMo Supp. 1998, relating to motor fuel tax, and to enact in lieu thereof five new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sharon H. Edison and Thomas C. Cusak, as members of the Missouri State Board of Accountancy;

Also,

John R. Wilson, as a member of the Missouri Housing Development Commission;

Also,

John E. Dial, as a public member of the Missouri Training and Employment Council;

Also,

Jonathan D. Finck and Paul T. Leverington, as members of the State Committee for Social Workers;

Also,

Anthony G. Ell, as a member of the Missouri Emergency Response Commission;

Also,

Cosette D. Kelly, as a public member of the Clean Water Commission;

Also,

Reaner G. Shannon, as a member of the Minority Environmental Literacy Advisory Committee;

Also,

Marcia D. Shadel, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Linda L. Cartwright, as a member of the Workers' Compensation Determinations Review Board;

Also,

Edward H. Bliefnick, as a member of the Peace Officer Standard and Training Commission;

Also,

John M. Boyer, as a member of the Dam and Reservoir Safety Council;

Also,

William G. Gillespie, as a member of the Harris-Stowe State College Board of Regents;

Also,

Donald E. Thompson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Michael E. Joseph, as a member of the State Board of Registration for the Healing Arts;

Also,

Donna M. Zaring, as a member of the State Board of Barber Examiners;

Also,

Joyce F. Marshall, as a member of the Missouri Head Injury Advisory Council;

Also,

Deborah A. Depew, as a member of the State Board of Registration for the Healing Arts;

Also,

Jerome E. Glick, as a member of the Unmarked Human Burial Consultation Committee.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **SCR 12** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick re-referred **SB 362** to the Committee on Civil and Criminal Jurisprudence.

THIRD READING OF SENATE BILLS

SB 291, introduced by Senator Caskey, entitled:

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Caskey, **SB 291** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
NAYS--Senators--None			
Absent--Senator Yeckel--1			
Absent with leave--Senators			
Jacob	Scott--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Goode--1		
	Absent with leave--Senators		
Jacob	Scott--2		

President Quick assumed the Chair.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator DePasco submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 78**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which were referred **SB 31** and **SB 285**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 294**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 184, Page 1, Section 186.060, Line 4, by inserting an opening bracket "[" before "and"; and further amend line 5, by inserting a closing bracket "]" after "186.055".

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 5, appearing on Page 81 of the Senate Journal for Wednesday, January 13, 1999, Column 2, Lines 2-7, by striking all of said lines and inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the office of administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 289, Page 9, Section 162.896, Line 58, by inserting immediately after "system" the following: **"or nonteacher school employee retirement system, as appropriate and if otherwise eligible"**; and further amend line 59, by inserting immediately after "system" the following: **"or nonteacher school employee retirement system"**; and further amend line 60, by inserting immediately after "system" the following: **"or nonteacher school employee retirement system, respectively,"**; and further amend line 63, by inserting immediately after "system" the following: **"or nonteacher school employee retirement system, as appropriate and if otherwise eligible"**.

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 289, Page 8, Section 162.896, Line 13, by striking the following: ", and" and inserting in lieu thereof the following: **". Members of the cooperative shall be elected to serve three-year terms which shall begin on May first of the year of election and end on April thirtieth of the third following year, except that initial members shall be appointed by May 1, 1999 or thirty days following the effective date of this section, whichever later occurs. For the election in calendar year 1999, four members shall be selected from the special school district by the governing council and three members shall be elected from the metropolitan school district within the cooperative by the governing body of the metropolitan school district, and for elections in calendar year 2002 and thereafter,"**.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 295** and **46**, as amended, was again taken up.

Senator Flotron offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Section 537.610, Page 6, Line 42, by adding after said line the following:

"7. Notwithstanding any other provisions of 537.600 to 537.650 the rules of joint and several liability as set out in 537.067 shall not apply to the state, its public entities and their employees, agents, servants and representatives on claims within the scope of sections 537.600 to 537.650, but the state, its public entities and their employees, agents, servants and representatives shall be liable only for any amounts apportioned to them and directly attributable to them."

Senator Flotron moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators

Kenney, Russell, Steelman and Stoll.

Senator Johnson assumed the Chair.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Flotron	Graves
Kenney	Kinder	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall--12
	NAYS--Senators		
Bland	Caskey	DePasco	Ehlmann
House	Howard	Johnson	Klarich
Mathewson	Maxwell	Quick	Schneider
Staples	Steelman	Stoll	Wiggins
Yeckel--17			
	Absent--Senators		
Banks	Clay	Goode--3	
	Absent with leave--Senators		
Jacob	Scott--2		

Senator Mathewson assumed the Chair.

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 195, regarding the Ninetieth Birthday of Irma J. Holle, Herculaneum, which was adopted.

Senator Wiggins offered Senate Resolution No. 196, regarding the death of Andrew V. Soloducha, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 197, regarding the death of James Henry Patrick Day, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 198, regarding the death of LeRoy Franklin McComb, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 199, regarding the death of Ruby Maxine Tedlock, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 200, regarding the death of Morris Bell, Kansas City, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 3, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 193 entitled:

AN ACT

To amend chapter 94, RSMo, by adding thereto one new section relating to sales tax for flood relief projects, with an emergency clause.

On February 3, 1999, I approved said Senate Bill No. 193.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Christopher Huebner, Sean Gallaher, Kyle Barrett, James Sills, Jana Huebner, Danielle Langness, Andrea Barrett and Bill and Anita Huebner, St. Charles County; and Christopher, Sean, Kyle, James, Jana, Danielle and Andrea were made honorary pages.

On behalf of Senator Scott and himself, Senator Clay introduced to the Senate, Lydia Perez, Sara Myers, Kyle Ebert and Gus Stevenson, St. Louis; and Lydia, Sara, Kyle and Gus were made honorary pages.

Senator Russell introduced to the Senate, the Physician of the Day, Dr. Ron Edwards, M.D., Waynesville.

Senator Flotron introduced to the Senate, Kevin M. Connor, Kansas City; Barbara Swanson, Jefferson City; Joseph Cavato, Father Mitchell S. Doyen, Rita M. Montgomery-Hollie and Father Edward Richard, St. Louis; Dr. Henry Clever, Jr., St. Charles; Richard R. Cuba, Cape Girardeau; Diane Daly, Kirkwood; Dr. Karen Hauser, St. Joseph; Rev. David Miller, Boonville; and Sister Fran Stein, RSM and the Most Reverend John Leibrecht, Springfield.

Senator Kenney introduced to the Senate, Don, Laura and Zachery McNulty, Blue Springs; and Lisa Stubbendick.

On behalf of Senator Quick, the President introduced to the Senate, Pete and Bridgett Gilbreath, and their children, August, Gretchen and

Kathryn, Homeschoolers from Holt; and August, Gretchen and Kathryn were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 8, 1999.

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 8, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We thank You for watching over us and bringing us safely to this new day and pray for Your Spirit of wisdom, kindness and justice. We commend to Your loving care King Hussein, a child of Your creation and we pray for Your comfort for his family and friends. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 4, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 201, regarding Harold Bengsch, Springfield, which was adopted.

Senator Maxwell offered Senate Resolution No. 202, regarding Kelli Oldfather, Edina, which was adopted.

Senator Kenney offered Senate Resolution No. 203, regarding Jennifer Payne, Blue Springs, which was adopted.

Senator Childers offered Senate Resolution No. 204, regarding Robert Scott Martin, Nixa, which was adopted.

Senator Bentley offered Senate Resolution No. 205, regarding Payne Stewart, which was adopted.

Senator Bentley offered Senate Resolution No. 206, regarding Jack Steck, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 207, regarding Tom Talbot, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 208, regarding Ken Carter, Springfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 415-By Goode.

An Act to repeal sections 303.041, 303.042, 303.043, 307.353, 307.355, 307.360 and 307.365, RSMo 1994, and sections 32.080, 301.025, 301.140, 302.302, 303.024, 303.025, 303.026, 307.350 and 307.375, RSMo Supp. 1998, relating to the registration of motor vehicles, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions, an effective date for certain sections and a contingent effective date for certain sections.

SB 416-By Maxwell.

An Act to repeal section 143.111, RSMo 1994, relating to income tax deductions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 417-By Quick.

An Act relating to tobacco manufacturers and sales.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stanley E. Thawley, M.D., 648 Gaslite Lane, St. Louis, St. Louis County, Missouri 63122, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2003, and until his successor is duly appointed and qualified; vice, John Ditto, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory L. Solum, 1914 Allen Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terrie Jo Fox, 3724 Stanton, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2001, and until her successor is duly appointed and qualified; vice, Joseph Wrinkle, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Phyllis J. Steckel, 2138 Meadow Oaks Lane, Post Office Box 2002, Washington, Franklin County, Missouri 63090, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas C Roeseler, 2652 Whitewood Trail, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until his successor is duly appointed and qualified; vice, Ernest "Bud" Hunt, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan I. Green, 1940 Allen Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Seismic Safety Commission, for a term ending

August 11, 2002, and until her successor is duly appointed and qualified; vice, Susan Clowe, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pamela J. Nunn, HCR 63, Box 7C, Fletcher, Washington County, Missouri 63030, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until her successor is duly appointed and qualified; vice, Carol Tharp, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark S. Hasheider, 1712 Fremont, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until his successor is duly appointed and qualified; vice, Robert Palmer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 1999

REORGANIZATION PLAN NO. 1

1999

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 1999, by Executive Order 99-03, providing for the establishment of the Division of Workforce Development within the Department of Economic Development.

MEL CARNAHAN

Governor

Executive Order 99-03

WHEREAS, the Department of Labor and Industrial Relations, Division of Employment Security is currently the state agency designated to receive federal Wagner-Peyser funds, conduct the free public employment offices and administer other employment assistance programs for the citizens of Missouri; and

WHEREAS, the Department of Economic Development, Division of Job Development and Training currently administers the Job Training Partnership Act, and other job development and training programs for the citizens of Missouri, including the administration of federal Welfare to Work grants; and

WHEREAS, the Department of Elementary and Secondary Education provides vocational education, training and rehabilitation services to its clients; and

WHEREAS, the Division of Job Development and Training and the Department of Elementary and Secondary Education jointly administer customized training programs for Missouri employers; and

WHEREAS, the Coordinating Board for Higher Education, through public community colleges, provides customized training to employers; and

WHEREAS, the Department of Social Services provides case management services and wage supplementation to its clientele; and

WHEREAS, these agencies have worked closely together in the past; and

WHEREAS, consolidation of the labor exchange and job development and training programs currently administered by the Division of Employment Security and Division of Job Development and Training in one state agency will benefit the citizens of the state by promoting efficiency and eliminating duplication of activities and administrative costs; and

WHEREAS, the Department of Labor and Industrial Relations currently compiles labor market information which is essential to the efficient administration of workforce development programs; and

WHEREAS, combining the labor market research and analysis functions of the Department of Labor and Industrial Relations with other workforce development programs will result in a better consolidation of the functions relating to workforce development and would benefit the citizens of the state by further promoting efficient administration of workforce development programs; and

NOW, THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the state of Missouri, do hereby establish the Division of Workforce Development within the Department of Economic Development. Said division shall be designated as the state agency to receive Wagner-Peyser funds, shall administer programs under the federal Job Training Partnership Act and the Workforce Investment Act, and shall otherwise coordinate and administer the job development, training and placement activities for the citizens of the state of Missouri.

All the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the Division of Employment Security within the Department of Labor and Industrial Relations related to job training and labor exchange that are funded with or based upon Wagner-Peyser funds, and other federal and state workforce development programs administered by the Division of Employment Security are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. The Division of Employment Security within the Department of Labor and Industrial Relations shall continue to exist and perform its functions and duties related to unemployment insurance.

All the authority, powers, duties, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the Division of Job Development and Training within the Department of Economic Development are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. The Division of Job Development and Training within the Department of Economic Development is abrogated.

There shall be a linkage between the job training, placement and employment functions performed by the Department of Elementary and Secondary Education, the Coordinating Board for Higher Education, the Department of Social Services and the Division of Workforce Development. There shall also be a linkage between the unemployment insurance functions of the Division of Employment Security and the Division of Workforce Development.

FURTHER, all the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the labor market research and analysis functions of the Department of Labor and Industrial Relations are transferred by a Type I transfer to the Division of Workforce Development within the Department of Economic Development. This transfer does not include the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of research performed by the Department of Labor and Industrial Relations relating to workers compensation and workplace safety.

FURTHER, all the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the program known as Missouri WORKS! currently within the Department of Labor and Industrial Relations are transferred by a Type I transfer to Division of Workforce Development within the Department of Economic Development.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 1999.

Mel Carnahan

GOVERNOR

Rebecca McDowell Cook

SECRETARY OF STATE

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 379--Public Health and Welfare.

SB 380--Ways and Means.

SB 381--Ways and Means.

SB 382--Agriculture, Conservation, Parks and Tourism.

SB 383--Financial and Governmental Organi-zation.

SB 384--Elections, Veterans' Affairs and Corrections.

SB 385--Appropriations.

SB 386--Financial and Governmental Organi-zation.

SB 387--Aging, Families and Mental Health.

SB 388--Education.

SB 389--Ways and Means.

SB 390--Education.

SB 391--Commerce and Environment.

SB 392--Transportation.

SB 393--Transportation.

SB 394--Local Government and Economic Development.

SB 395--Commerce and Environment.

SB 396--Local Government and Economic Development.

SB 397--Civil and Criminal Jurisprudence.

SB 398--Aging, Families and Mental Health.

SB 399--Education.

SB 400--Commerce and Environment.

SB 401--Local Government and Economic Development.

SB 402--Elections, Veterans' Affairs and Corrections.

SB 404--Financial and Governmental Organi-zation.

SB 405--Agriculture, Conservation, Parks and Tourism.

SB 406--Local Government and Economic Development.

SB 407--Insurance and Housing.

SB 408--Public Health and Welfare.

SB 409--Civil and Criminal Jurisprudence.

SB 410--Pensions and General Laws.

SB 411--Local Government and Economic Development.

SB 412--Ethics.

SB 413--Financial and Governmental Organi-zation.

SB 414--Transportation.

SJR 24--Elections, Veterans' Affairs and Corrections.

Senator Wiggins assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 418-By Singleton.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to continuing care retirement communities.

SB 419-By DePasco.

An Act to repeal sections 374.700, 374.705, 374.720, 374.725, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.765, 374.770, 374.775 and 575.030, RSMo 1994, and sections 374.710, 374.715 and 374.763, RSMo Supp. 1998, relating to the regulation of bail bondsmen, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

SB 420-By Jacob.

An Act to repeal section 143.111, RSMo 1994, relating to income tax deductions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

CONCURRENT RESOLUTIONS

Senator Quick offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, in late November, 1998, Missouri accepted the 206 billion dollar settlement agreement negotiated between 46 states and the tobacco industry;

WHEREAS, the states' attorneys general crafted the settlement agreement to protect states' interests, consistent with the lawsuits filed on behalf of the states;

WHEREAS, the settlement agreement reflects difficult policy decisions and years of effort among the states which bore the risk and expense of litigating their claims against a strong tobacco industry;

WHEREAS, the federal government neither participated in nor assisted with the litigation and negotiation of the states' claims, yet now seeks to seize a substantial portion of the resulting payments due to the states;

WHEREAS, the federal government bases its claim on federal right to recoupment for medicaid expenses, a claim which was not promoted by the

federal government in any litigation prior to the settlement of the states' claims;

WHEREAS, by the terms of the settlement agreement, Missouri would receive approximately 6.7 billion dollars by 2025, yet faces an estimated potential loss of 3.9 billion dollars of this amount to the federal government;

WHEREAS, Missouri rightfully should determine the best use of the settlement proceeds achieved through state effort, using state resources and motivated by state concerns;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the President of the United States and the members of Missouri's Congressional delegation recognize the effort and resources expended by Missouri to promote and protect its interests throughout the litigation and negotiation of claims against the tobacco industry;

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests that the President of the United States and the members of Missouri's Congressional delegation protect the proceeds negotiated by Missouri in settlement of its claims by refusing to divert, seize or recoup any portion of the settlement proceeds for federal purposes; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to Bill Clinton, President of the United States, and to each member of Missouri's Congressional delegation.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 141** be taken up for perfection, which motion prevailed.

Senator Schneider offered **SS** for **SB 141**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 141

An Act to repeal section 516.105, RSMo 1994, relating to statutes of limitations, and to enact in lieu thereof one new section relating to the same subject.

Senator Schneider moved that **SS** for **SB 141** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Schneider, **SS** for **SB 141** was declared perfected and ordered printed.

Senator Banks moved that **SB 7** be taken up for perfection, which motion prevailed.

On motion of Senator Banks, **SB 7** was declared perfected and ordered printed.

Senator Mathewson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 271**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 213**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 188**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 139**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 169**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 17**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 51**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 115**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 277**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 277, Page 2, Section 253.090, Line 23, by inserting after all of said line the following:

"4. All moneys remaining in the state park revolving fund on the effective date of this section shall be transferred to the state park earnings fund."

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which were referred **SB 160** and **SB 82**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Quick referred **SCR 13** to the Committee on Rules, Joint Rules and Resolutions.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 10** was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Flotron	Schneider--2		
	Absent with leave--Senators--None		

Senator Caskey moved that **SCR 5**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 5, appearing on Page 81 of the Senate Journal for Wednesday, January 13, 1999, Column 1, Lines 5 and 6 of said line, by deleting all of said lines.

Senator Graves moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 5, appearing on Page 80 of the Senate Journal for Wednesday, January 13, 1999, Column 2, Lines 11-14 of the resolution, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Concurrent Resolution No. 5, appearing on Page 81 of the Senate Journal for Wednesday, January 13, 1999, the ninth paragraph on said page, by deleting the following: "a method of adoption that enables counties of the third classification to participate;"

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Caskey, **SCR 5**, as amended, was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Graves	Kenney	Kinder	Klarich
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Steelman--5

Absent--Senator Schneider--1

Absent with leave--Senators--None

SECOND READING OF SENATE BILLS

The following Bill and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 403--Appropriations.

SJR 25--Appropriations.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 209, regarding the Fiftieth Anniversary of the St. Louis Chapter of the Links, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Barbara Arnold and the 1999 State Champions of the "We the People....the Citizen and the Constitution" Competition: Chandler Easley, Stacy Harter, Lisa Honeywell, Katie Weinkein, Melinda Lawrence, Emily Porter, Erin Cooke, Kim Vo, Elizabeth Hauser, Lacy Even, Shari Medlock, Humaira Yousef, Cassy Dominick, Rachael Smith, Shannon Cole, Valerie Horvath, Ayanna Bradley, David Twombly, Ashish Mahure, Wade Meredith, Katie Gaarder, Jonathan Vance, Faris Al Shatir, Jennifer Hoffman, Erin Rosenburg, Aaron Doll, Erin Rivers, Jeremiah Tucker and Micah Harrell.

Senator Howard introduced to the Senate, John Metz, Jefferson City.

On behalf of Senators Bentley, Childers and himself, Senator Westfall introduced to the Senate, his wife, Sharon, Halfway; John C. Sparkman, Republic; Dr. Sally Beard, D.V.M., Graff; Lane Baxter, Randy McGinnis and Randy Mooney, Rogersville; Marilyn Calvin, Mount Vernon; Larry Purdom, Purdy; and Charlie Buckner, Fair Grove.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 9, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: We pray this day that in some small way we may have the ability to see the world as You see it and lovingly draw it to You. And in seeing the world as You do, acknowledge all Your blessings with thanksgiving and praise. This we pray in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

REMONSTRANCES

Senator Ehlmann offered the following remonstrance, which was read and referred to the Committee on Rules, Joint Rules and Resolutions:

REMONSTRANCE NO. 1

WHEREAS, the state of Missouri has been found to be a violator of the United States Constitution in two federal school desegregation court cases, one affecting Kansas City area schools and the other affecting St. Louis City and County schools; and

WHEREAS, the state of Missouri has been forced to pay over three billion dollars pursuant to those court cases for a variety of measures intended to remove the vestiges of unlawful segregation; and

WHEREAS, the General Assembly enacted SB 781 in 1998 to establish in state law a framework for the settlement of the Liddell case affecting St. Louis City and County; and

WHEREAS, St. Louis Public Schools has many poor performing schools, as measured by the low performance of students in those schools; and

WHEREAS, The Department of Elementary and Secondary Education will conduct a review of the St. Louis Public Schools in March of 1999 as part of the Missouri School Improvement Plan and provide the results of the review to the State Board of Education for the purpose of classifying the St. Louis Public Schools as accredited, provisionally accredited or unaccredited, pursuant to the State Board's authority to classify school under section 161.092, RSMo; and

WHEREAS, the State Board is expected to make a determination regarding the classification status of St. Louis Public Schools, based upon the Department's review, no later than the end of 1999; and

WHEREAS, SB 781 created accountability provisions to ensure that St. Louis City students would benefit from improved schools as soon as possible; and

WHEREAS, one of those accountability measures was establishment of a Transitional School District authorized to take control of the school system within ninety days and effect systemic reforms, as is provided in subsection 2 of section 162.1100, RSMo, if the St. Louis Public Schools should be determined, by the State Board of Education, to be unaccredited; and

WHEREAS, the St. Louis Public Schools was a party to the Liddell case and a participant in the settlement negotiations which have led to a recent announcement of a proposed settlement of the case to be submitted for consideration by Judge Limbaugh; and

WHEREAS, the St. Louis Public Schools fought for and obtained agreement among the parties to a provision in the proposed settlement which, if observed, would protect the power and control of the Board of Education of the St. Louis Public Schools upon loss of accreditation in violation of both the letter and intent of section 162.1100, RSMo;

WHEREAS, in seeking this settlement provision, the Board of Education of St. Louis Public Schools has chosen to place its own selfish interest for power, control and self-preservation ahead of its legal and moral responsibility to provide the best possible education for all students in the district;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrate against the Board of Education of St. Louis Public Schools for its poor judgement, selfishness and shortsightedness in placing its own petty interests ahead of the interests of the students it exists to serve by seeking to subvert the legal accountability measures placed upon it; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Secretary of the Board of Education of St. Louis Public Schools and that the Board of Education of St. Louis Public Schools be apprised of the Senate's displeasure with the Board of Education of St. Louis Public Schools' bad faith in negotiating to serve its own petty interests ahead of the interests of its students.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 210, regarding Dr. Thomas D. Pawley, III, Jefferson City, which was adopted.

Senator Yeckel offered Senate Resolution No. 211, regarding Kimberly Kay Grempler, St. Louis County, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 421-By Mathewson and Maxwell.

An Act to repeal sections 41.140 and 41.150, RSMo 1994, relating to the adjutant general, and to enact in lieu thereof two new sections relating to the same subject.

SB 422-By Westfall, Childers, Yeckel, Steelman and Singleton.

An Act to repeal sections 143.011, 143.071, 144.021, 144.440, 144.700, 144.701, 163.022, 163.032, 164.013 and 177.088, RSMo 1994, sections 137.073, 144.020, 162.081, 163.021, 163.036, 163.087, 163.172, 164.011, 165.011 and 166.131, RSMo Supp. 1998, section 163.011 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, section 163.011 as enacted by senate bill no. 535 in the eighty-ninth general assembly, second regular session, section 163.031 as enacted by house bills nos. 641 & 593 in the eighty-ninth general assembly, first regular session, and section 163.031 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, relating to funding for public schools, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date for a certain section and a referendum clause.

SB 423-By Westfall.

An Act to repeal section 276.401, RSMo Supp. 1998, relating to grain dealers, and to enact in lieu thereof one new section relating to the same subject.

SB 424-By Westfall.

An Act to repeal sections 340.200, 340.202, 340.204, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.240, 340.244, 340.246, 340.248, 340.250, 340.250, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.282, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.310, 340.312, 340.318, 340.320, 340.322 and 340.324, RSMo 1994, and section 340.210, RSMo Supp. 1998, relating to veterinarians, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

SB 425-By Stoll, Mathewson, Maxwell, Goode, DePasco, Johnson, Clay, Banks, House, Jacob, Schneider, Staples, Howard, Bland, Quick, Wiggins and Scott.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to remediation of student academic deficiencies.

SB 426-By Howard.

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

SB 427-By Flotron.

An Act to repeal sections 135.500, 135.503 and 620.1039, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof two new sections relating to the same subject.

SB 428-By Graves.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the Missouri critical teacher shortage forgivable loan program.

SB 429-By Jacob.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to underinsured motor vehicle coverage.

SB 430-By House.

An Act to repeal section 375.147, RSMo 1994, and section 376.1075, RSMo Supp. 1998, relating to administration of insurance, and to enact in lieu thereof two new sections relating to the same subject.

SB 431-By House.

An Act to repeal section 622.020, RSMo 1994, relating to administrative law judges, and to enact in lieu thereof one new section relating to the same subject.

SJR 26-By Westfall, Childers, Yeckel, Steelman and Singleton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 11(b) of article X of the Constitution of Missouri relating to approval of school taxes, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 25, introduced by Senators Singleton and Schneider, entitled:

An Act to repeal section 194.117, RSMo 1994, relating to sudden infant death syndrome, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **SB 25** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steeleman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 278, introduced by Senator Klarich, entitled:

An Act to repeal section 456.120, RSMo 1994, relating to limited liability companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 278** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 244, with **SCS**, introduced by Senator Schneider, entitled:

An Act to repeal section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

Was called from the Consent Calendar and taken up.

SCS for **SB 244**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 244

An Act to repeal section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

Was taken up.

Senator Schneider moved that **SCS** for **SB 244** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 244** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider
Staples
Wiggins

Scott
Steelman
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

Sims
Stoll

Singleton
Westfall

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 318**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 318**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 318

An Act to repeal section 143.151, RSMo 1994, and section 143.161, RSMo Supp. 1998, relating to income tax exemptions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 318** be adopted.

Senator Jacob offered **SS** for **SCS** for **SB 318**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 318

An Act to repeal sections 143.111, 143.151 and 147.010, RSMo 1994, and section 143.161, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof five new sections relating to the same subject.

Senator Jacob moved that **SS** for **SCS** for **SB 318** be adopted.

Senator Clay assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 143.161, Line 3, by inserting immediately after said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years

beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, **but before December 31, 1998**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, a corporate taxpayer shall be allowed a deduction for sixty-seven percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, a corporate taxpayer shall be allowed a deduction of eighty-three percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, a corporate taxpayer shall be allowed a full deduction for its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection.**

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

At the request of Senator Jacob, **SB 318**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 212

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has wholeheartedly dedicated herself to the betterment of her community; and

WHEREAS, Cynthia Herrmann Schwab, an esteemed resident of Joplin, Missouri, has distinguished herself as a recipient of the Missouri Arts Council Award, a tremendous accolade to be bestowed upon her for the many contributions she has made to the Joplin community; and

WHEREAS, after serving on The Joplin Community Concert Association Board for several years, Cynthia Schwab established the Joplin Pops Concert in 1980 to raise money to benefit the Community Concert Series and to introduce Joplin area residents to classical music in an informal, outdoor setting; and

WHEREAS, a native of New York City, Cynthia Schwab founded Pro Musica, a not-for-profit corporation designed to foster an interest in, education about, and enjoyment of classical music by sponsoring a four-concert chamber music series, concerts in area schools, lecture-demonstrations at the local college, and a major symphony concert in addition to the Joplin Pops; and

WHEREAS, Cynthia Schwab has played an integral role in the success of the artist residency program, which combines music with the visual and performing arts to demonstrate the importance of their partnership in the enrichment of a community and has brought the Ying Quartet and Angeles String Quartet to Joplin for a week of entertainment and education for the past three years; and

WHEREAS, a graduate of Bryn Mawr College in Philadelphia, Pennsylvania, Cynthia Schwab has been lauded as the 1995 Joplin Area Chamber of Commerce Outstanding Citizen of the Year and as a recipient of the 1991 Missouri Citizens for the Arts Advocacy Award, and has served as a member and president of the Missouri Southern State College Board of Regents, and as a Trustee and Advisory Board member of The Kansas City Friends of Chamber Music Society; and

WHEREAS, in addition to her interest in music, Cynthia Schwab has glorified the Lord as a devout member of St. Philip's Episcopal Church in Joplin, where she remains active on the local, diocesan, and national levels of church endeavor, and as a Trustee of General Theological Seminary in New York City:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Cynthia Schwab for her tireless endeavors which have earned her this high honor and in wishing her only the very best as she continues to create an opportunity for thousands of Missourians to enjoy the arts through classical music; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Cynthia Herrmann Schwab.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 213

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate recognize the meritorious accomplishments of an outstanding Missouri student; and

WHEREAS, James Skelley, an esteemed resident of Joplin, Missouri, has been chosen as a 1999 Missouri Top High School Student Volunteer by The Prudential Spirit of Community Awards program; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across the United States who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, truly an inspiration to his peers, James Skelley will receive a bronze Distinguished Finalist medallion from Prudential during a special local ceremony; and

WHEREAS, a junior at Joplin High School, James Skelley has been conducting a campaign in his area to educate fellow students about the dangers of smoking and doing drugs; and

WHEREAS, the success of this great state, the strength of its communities, and the overall vitality of American society depend, in large measure, upon the dedication of young people like James Skelley who use their considerable talents and resources to serve others; and

WHEREAS, it is most fitting and proper that this legislative body should praise and pay tribute to James Skelley, an exceptional young citizen of the Show-Me State who undoubtedly looks forward to a bright future because of his winning attitude, his desire to help others, and the confidence he has gained through his selfless service as a tireless volunteer:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in congratulating and honoring James Skelley upon his selection as a Missouri Top High School Student Volunteer and in extending to him our best wishes for continued success and happiness while playing a vital role in improving the quality of life for others; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for James

Skelley, as a measure of our esteem for him.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 214

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate recognize the meritorious accomplishments of an outstanding Missouri student; and

WHEREAS, Shonda Ireland, an esteemed resident of Neosho, Missouri, has been chosen as a 1999 Missouri Top High School Student Volunteer by The Prudential Spirit of Community Awards program; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across the United States who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, truly an inspiration to her peers, Shonda Ireland will receive a bronze Distinguished Finalist medallion from Prudential during a special local ceremony; and

WHEREAS, a senior at Neosho Senior High School, Shonda Ireland has distinguished herself by starting an annual "Giving Tree" to collect gifts for needy families in the Newton County area; and

WHEREAS, the success of this great state, the strength of its communities, and the overall vitality of American society depend, in large measure, upon the dedication of young people like Shonda Ireland who use their considerable talents and resources to serve others; and

WHEREAS, it is most fitting and proper that this legislative body should praise and pay tribute to Shonda Ireland, an exceptional young citizen of the Show-Me State who undoubtedly looks forward to a bright future because of her winning attitude, her desire to help others, and the confidence she has gained through her selfless service as a tireless volunteer:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in congratulating and honoring Shonda Ireland upon her selection as a Missouri Top High School Student Volunteer and in extending to her our best wishes for continued success and happiness while playing a vital role in improving the quality of life for others; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Shonda Ireland, as a measure of our esteem for her.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 215

WHEREAS, the members of the Missouri Senate always welcome the opportunity to recognize those individuals who have devoted many years of tireless service to the residents of the Show-Me State through their employment in the local offices of various state agencies; and

WHEREAS, Carolyn Gray began her career with state government in November of 1969 as a secretary for the Department of Education's section of Vocational Rehabilitation; and

WHEREAS, on May 14, 1973, Carolyn Gray transferred to the Department of Labor and Industrial Relations' Division of Employment Security where she was assigned to the Joplin office as an Employment Security Deputy II; and

WHEREAS, in recognition of her exemplary conduct, outstanding ability, and special skills, Carolyn Gray was promoted to Employment Security Technician on July 15, 1974, since which time she has continued to excel in the performance of all her important duties and responsibilities; and

WHEREAS, Carolyn Gray has enjoyed receiving numerous letters of praise from job applicants and employers whom she assisted in their search for the right person in the right job; and

WHEREAS, in November, 1996, Carolyn Gray experienced the honor and the distinction of being named Employee of the Month at the Joplin Employment Security office:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to commend Carolyn Gray for her thirty years of contributions to the overall betterment of state government and to wish for her a bright and

pleasurable retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Carolyn Gray upon her retirement on April 1, 1999.

Senator Childers offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 216

WHEREAS, the members of the Missouri Senate are very proud of the worldwide development efforts that the Peace Corps has expended throughout its impressive thirty-eight-year history in which more than 150,000 American volunteers have diligently served in one hundred thirty-two countries; and

WHEREAS, Tuesday, March 2, 1999, will be observed as Peace Corps Day in honor of the organization's founding in March of 1961 under the direction of Sargent Shriver during the administration of President John F. Kennedy; and

WHEREAS, each year on Peace Corps Day, thousands of returned Peace Corps Volunteers (RPCV) mobilize to share with this nation's students the knowledge and insight gained from their overseas experiences; and

WHEREAS, Peace Corps Volunteers currently serve in countries located in Africa, Central America and the Caribbean, Central and East Asia, Europe and the Mediterranean region, and throughout the Pacific; and

WHEREAS, Peace Corps Volunteers must meet certain education and experience requirements as well as the less objective requirements for problem-solving and organizational skills, leadership, enthusiasm, self-motivation, and commitment to the environment; and

WHEREAS, in addition to geographical appointments, Peace Corps Volunteers are assigned specific duties relating to education, business development, environmental protection, agriculture, health and nutrition, or community development activities; and

WHEREAS, more than 10,000 former Peace Corps Volunteers still participate in the Peace Corps through Peace Corps Day activities, World Wise Schools which is an innovative global education program for U.S. students, or Crisis Corps which provides emergency response assistance to foreign countries facing natural disasters or other crises:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously with our esteemed Senate colleague and four-year Peace Corps veteran, the Honorable Doyle Childers, to applaud the work and history of the Peace Corps and its many thousands of Volunteers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in joyful celebration of the Peace Corps on Peace Corps Day '99.

REPORTS OF STANDING COMMITTEES

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 83**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 105**, begs leave to report that it has

considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 105, Page 1, Section 143.807, Line 7, by striking the word "year" and inserting in lieu thereof the following: "**years**".

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 34**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 141**; and **SB 7**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Jan Rusnak and seventh grade students from Salem Lutheran School, Florissant; and Emmanuel Teferi, Matt Bahr, Marjorie Nehring and Paul Bagot were made honorary pages.

Senator Kenney introduced to the Senate, his son, Carlton, Lee's Summit; and Carlton was made an honorary page.

Senator Sims introduced to the Senate, Charles Deutsch and Howard Oppenheimer, St. Louis.

Senator Westfall introduced to the Senate, Dennis Cooper, Bolivar.

Senator Russell introduced to the Senate, Dr. Jack Howard, Lebanon.

Senator Rohrbach introduced to the Senate, Dolores Stegner, David Barton, Patty Stretz, and Sherri Kramel.

Senator Graves introduced to the Senate, Mr. and Mrs. Jerry Main, Bucklin.

Senator Singleton introduced to the Senate, Susan and Clint Wagner, Carthage; and Clint was made an honorary page.

Senator Singleton introduced to the Senate, Dr. Jim Suthoff and Dr. Rajeal Bashya, Joplin.

Senator Bentley introduced to the Senate, Phillip T. Grafft, Tony Bates, Nicole Bueno, Maxine White Smith, Becky Preddy, Stephen Pennington and Charles Catlin, Springfield.

Senator Kenney introduced to the Senate, Andy and Lisa Hermann, and their children, Aaron, Caleb, Luke and Drew, Homeschoolers from Lee's Summit; and Aaron, Caleb, Luke and Drew were made honorary pages.

Senator Singleton introduced to the Senate, Tish Waddell and Charlotte McClane, Joplin.

Senator Stoll introduced to the Senate, Carol and Harold Hagan, Jefferson County.

Senator Caskey introduced to the Senate, Candi Hoxworth, Belton.

Senator Quick introduced to the Senate, Linda Tingler and twenty-five members of the Leadership Northland class of 1999, Kansas City.

Senator Bland introduced to the Senate, Charles E. Smith, Marcia A. Pitts, Cindy Thompson and Pat Paul, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. L. Wayne Hess, M.D., Columbia.

Senator DePasco introduced to the Senate, four members of MNEA from Kansas City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 10, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God Heavenly King: Help us to recognize our responsibilities as we seek to do the work of the Senate. And remind us this day to treat each activity, meeting and conversation as if You are intently watching all that we are about and realize that You are. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 217, regarding Michael W. Vaccaro, Florissant, which was adopted.

Senator Stoll offered Senate Resolution No. 218, regarding Henry "Boots" Llewellyn, Jefferson County, which was adopted.

Senator Bentley offered Senate Resolution No. 219, regarding Bruce E. Moore, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 11** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Ehlmann--1

Absent with leave--Senators--None

Senator Clay moved that **SCR 8** be taken up for adoption, which motion prevailed.

On motion of Senator Clay, **SCR 8** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 432-By Flotron.

An Act to repeal section 144.030, RSMo Supp. 1998, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 433-By Russell.

An Act authorizing the director of the department of natural resources to convey certain property in the Lake of the Ozarks State Park.

THIRD READING OF SENATE BILLS

SB 211, with SCS, introduced by Senator Howard, entitled:

An Act to repeal sections 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact

in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 211**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 211

An Act to repeal sections 402.199, 402.205, 402.210 and 402.217, RSMo 1994, and sections 402.200, 402.215, 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 211** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Howard, **SCS** for **SB 211** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Steelman--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 318**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Kenney offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 143.161, Line 3, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1998**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed fifteen thousand dollars on a single taxpayer's return or thirty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, but before December 31, 2001, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.**

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order because it is not a true substitute

amendment, as it could be offered regardless of the disposition of **SA 1**.

The point of order was referred to the President Pro Tem.

At the request of Senator Kenney, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Kenney offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 147.010, Line 1, by adding immediately before said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1998**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.**

3. For all tax years beginning on or after September 1, 1993, **but before August 31, 1998**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all tax years beginning on or after September 1, 1998, but before August 31, 1999, a corporate taxpayer shall be allowed a deduction for sixty-seven percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after September 1, 1999, but before August 31, 2000, a corporate taxpayer shall be allowed a deduction of eighty-three percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which**

the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after September 1, 2000, a corporate taxpayer shall be allowed a full deduction for its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Jacob, **SB 318**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 349**, entitled:

An Act relating to the family development account program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 220, regarding Marc Elliot, Chesterfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, Anthony Sommers, Jim Anderson, Vern Skripsky, Ray Hines, Daniel Jacobs, Jim Kerske, Steve Hester, Ron Miller and Mike Bushnell, Kansas City.

Senator Johnson introduced to the Senate, Bill, Judy and Mary McMurray and Sherril and David Lewis, St. Joseph; and Mary was made an honorary page.

Senator Sims introduced to the Senate, eighth grade students from McKinley High School, St. Louis; and Alicia Lopez, William Robinson, Genevieve Bromley and Phillip Halley were made honorary pages.

Senator Steelman introduced to the Senate, her son, Sam, and sixth, seventh and eighth grade students from St. Patrick's School, Rolla.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Gene Worth, M.D., Columbia.

Senator Childers introduced to the Senate, Lou Sheaffer and Walt Stone, Branson.

Senator Steelman introduced to the Senate, her mother, Jackie Hearne, Jefferson City.

Senator Singleton introduced to the Senate, Tia Strait, Carthage; Becky Harshaw, Sarcoxie; Debra Webb, St. Louis; Eva Nordstrom, Webb City; Mary Hillman, Springfield; and Lisa Gaston and Bethany Schroer, Joplin.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 11, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

We thank You Heavenly Father for Your great love of us in allowing us to have a taste of heaven here on earth within godly, loving families. So we pray that You be with us this day as we complete those things that must be done so that we may be free to travel home ready for a weekend with those who love us. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 221, regarding David E. Cogorno, Maryland Heights, which was

adopted.

Senator Ehlmann offered Senate Resolution No. 222, regarding John C. "Woody" Cozad, Platte City, which was adopted.

Senator Yeckel offered Senate Resolution No. 223, regarding Natasha Baebler, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 224, regarding Shirley A. Emling, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 225, regarding National TRIO Week, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 434-By Klarich.

An Act to authorize the director of the department of natural resources to grant an easement in Route 66 State Park in St. Louis County.

SB 435-By Staples.

An Act to authorize the director of the department of natural resources to grant an easement in Taum Sauk Mountain State Park in Iron County.

SB 436-By Quick.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to political subdivisions operating as ambulance districts.

SB 437-By Mueller.

An Act relating to a flat tax on individual incomes, with an effective date.

SB 438-By Russell, Westfall, Flotron, Childers and Kinder.

An Act to repeal section 32.091, RSMo Supp. 1998, relating to the disclosure of motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

SB 439-By Johnson.

An Act to repeal section 163.015, RSMo Supp. 1998, section 163.011 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 in the eighty-ninth general assembly, second regular session, relating to capital projects in schools, and to enact in lieu thereof one new section relating to the same subject.

SB 440-By Schneider.

An Act to repeal sections 211.023, 478.265, 478.266, 478.267 and 487.050, RSMo 1994, and sections 478.003, 478.268, 478.466, 487.020, 487.030, 487.040 and 487.170, RSMo Supp. 1998, relating to judicial commissioners in circuit courts, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause and expiration dates for certain sections.

SB 441-By Schneider.

An Act to repeal section 286.005, RSMo Supp. 1998, relating to commissioners within the department of labor and

industrial relations, and to enact in lieu thereof one new section relating to the same subject.

SB 442-By Schneider.

An Act to repeal sections 287.812 and 287.815, RSMo Supp. 1998, relating to administrative law judge's retirement, and to enact in lieu thereof two new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SS for **SB 141**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 141An Act to repeal section 516.105, RSMo 1994, relating to statutes of limitations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SS** for **SB 141** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Singleton--1			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 7, introduced by Senator Banks, entitled:

An Act to repeal sections 208.530 and 208.535, RSMo 1994, and section 208.533, RSMo Supp. 1998, relating to the special health, psychological, and social needs of minority older individuals, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Banks, **SB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Maxwell--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 12, introduced by Senator Russell, entitled:

An Act to amend chapter 209, RSMo, relating to aid to the blind, by adding thereto one new section relating to guide dog trainers.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 12** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senator Wiggins, entitled:

An Act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one

new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 216** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Mathewson	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 110, introduced by Senator Schneider, entitled:

An Act to repeal section 287.210, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 110** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 225, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 334.655, RSMo Supp. 1998, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 225

An Act to repeal section 334.655, RSMo Supp. 1998, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Caskey moved that **SCS** for **SB 225** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 225** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from Channel 9 had been given permission to take pictures in the Senate Chamber today.

SB 15, introduced by Senator Mathewson, entitled:

An Act to repeal section 650.005, RSMo Supp. 1998, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 15** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Scott	Staples--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 153, introduced by Senator Childers, entitled:

An Act to repeal section 70.322, RSMo 1994, relating to contracting with road districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 153** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Kinder	Mueller	Staples--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 214, introduced by Senator Mathewson, entitled:

An Act to repeal section 79.280, RSMo 1994, relating to certain fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 214** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Mueller	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

SB 220, introduced by Senator Caskey, entitled:

An Act to repeal section 50.660, RSMo Supp. 1998, relating to county bid requirements, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 220** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Flotron	Johnson	Mueller	Staples--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 443-By Jacob.

An Act to repeal section 173.820, RSMo Supp. 1998, relating to Missouri college guarantee program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 417--Pensions and General Laws.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 14**, **SB 60** and **SB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 8** and **SB 173**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 308** and **SB 314**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator DePasco submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 95**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 309**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 240**, **SB 226** and **SB 229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 81**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 20**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 275**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 1**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **REMONSTRANCE 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

REMONSTRANCE NO. 1

WHEREAS, the state of Missouri has been found to be a violator of the United States Constitution in two federal school desegregation court cases, one affecting Kansas City area schools and the other affecting St. Louis City and County schools; and

WHEREAS, the state of Missouri has paid over three billion dollars pursuant to those court cases for a variety of measures intended to remove the vestiges of unlawful segregation; and

WHEREAS, the General Assembly enacted SB 781 in 1998 to establish in state law a framework for the settlement of the Liddell case affecting St. Louis City and County; and

WHEREAS, St. Louis Public Schools has many poor performing schools, as measured by the low performance of students in those schools; and

WHEREAS, The Department of Elementary and Secondary Education will conduct a review of the St. Louis Public Schools in March of 1999 as part of the Missouri School Improvement Plan and provide the results of the review to the State Board of Education for the purpose of classifying the St. Louis Public Schools as accredited, provisionally accredited or unaccredited, pursuant to the State Board's authority to classify schools under section 161.092, RSMo; and

WHEREAS, the State Board is expected to make a determination regarding the classification status of St. Louis Public Schools, based upon the Department's review, no later than the end of 1999; and

WHEREAS, SB 781 created accountability provisions to ensure that St. Louis City students would benefit from improved schools as soon as possible; and

WHEREAS, one of those accountability measures was establishment of a Transitional School District authorized to take control of the school system within ninety days and effect systemic reforms, as is provided in subsection 2 of section 162.1100, RSMo, if the St. Louis Public Schools should be determined to be unaccredited by the State Board of Education; and

WHEREAS, the St. Louis Public Schools was a party to the Liddell case and a participant in the settlement negotiations which have led to a recent announcement of a proposed settlement of the case to be submitted for consideration by Judge Limbaugh; and

WHEREAS, the St. Louis Public Schools obtained agreement among the parties to a provision in the proposed settlement which, if observed, would protect the power and control of the Board of Education of the St. Louis Public Schools upon loss of accreditation in violation of both the letter and intent of section 162.1100, RSMo:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrate against the Board of Education of St. Louis Public Schools for its willingness to insert this parochial issue into an agreement which should be, and otherwise is, about the quality of education afforded to its students; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Secretary of the Board of Education of St. Louis Public Schools so that the Board of Education of St. Louis Public Schools will be apprised of the Senate's displeasure with the Board of Education of St. Louis Public Schools.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 288**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 322**, **SB 150** and **SB 151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 444-By Maxwell.

An Act to repeal section 105.030, RSMo 1994, relating to vacancies in state or county offices, and to enact in lieu thereof two new sections relating to the same subject.

SJR 27-By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, relating to elective state officers and adopting one new section in lieu thereof relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecom-munications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Tele-communications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 533**, entitled:

An Act relating to employment of illegal aliens, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 346**, entitled:

An Act to repeal section 92.402, RSMo Supp. 1998, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 226, regarding Bell Electrical Contractors, Maryland Heights, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Mark and Connie Chapman.

Senator Bentley introduced to the Senate, Naara and Roger Kean, and their children, Guy, Phillip and Jennifer, Homeschoolers from Fair Grove; and Guy was made an honorary page.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Jim Blaine, M.D., Skip Funk, Gus Kolilis, Ken Ordway and Bob Patterson.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 15, 1999.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 15, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We thank You for this new day of a new week that You have given each of us to use as You would will for us. We can choose to waste it or grow in it knowing that whatever we choose, this is a day of our life that is precious. Help us to live each day fully as we seek to serve and glorify Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 11, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

REMONSTRANCES

Senator Ehlmann moved that **Remonstrance No. 1**,with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **Remonstrance No. 1** was taken up.

Senator Ehlmann moved that **SCS** for **Remonstrance No. 1** be adopted.

President Wilson assumed the Chair.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Remonstrance No. 1, Page 229 of the Senate Journal for Thursday, February 11, 1999, Column 2, Line 31 of said column, by inserting after the word "Schools" the following: "and to the settlement coordinator appointed by the court in the Liddell case".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Clay offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Remonstrance No. 1, Page 229 of the Senate Journal for Thursday, February 11, 1999, Column 2, Line 31 of said column, by inserting after the word "Schools" the following: "and the Missouri Attorney General".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Remonstrance No. 1, Page 229 of the Senate Journal for Thursday, February 11, 1999, Column 2, Line 31 of said column, by inserting after the word "Schools" the following: "and to each of the St. Louis County School districts participating in the settlement negotiations in the Liddell case".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Ehlmann moved that **SCS** for **Remonstrance No. 1**, as amended, be adopted, which motion prevailed.

Senator Kinder requested a roll call vote be taken on the adoption of **Remonstrance No. 1**, as amended by the **SCS**, and was joined in his request by Senators Graves, Russell, Singleton and Ehlmann.

SCS for **Remonstrance No. 1**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Stelman
Westfall	Yeckel--22		
	NAYS--Senators		
Bland	Caskey	Clay	DePasco
Goode	Jacob	Quick	Staples
Stoll	Wiggins--10		
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senators--None		

RESOLUTIONS

Senator Howard offered Senate Resolution No. 227, regarding the Fiftieth Anniversary of the Dexter Rotary Club, which was adopted.

Senator Howard offered Senate Resolution No. 228, regarding Royce Fortner, Tallapoosa, which was adopted.

Senator Graves offered Senate Resolution No. 229, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thornton Easton, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 230, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Bill Geyer, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Harrington, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 232, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Deacon Lininger, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 233, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. LeRoy Hausman, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 234, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Parker, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 235, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ambrose Berg, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 236, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. R. Bird, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 237, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Herington, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 238, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Paul Atterbury, Marceline, which was adopted.

Senator Graves offered Senate Resolution No. 239, the Northwest Missouri State University Bearcats Football Team, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 240, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. Carl Amen, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 241, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Kiser, Graham, which was adopted.

Senator Yeckel offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 242

WHEREAS, on February 4, 1999, the Governor submitted Reorganization Plan No. 1 to the General Assembly; and

WHEREAS, Sections 26.500 to 26.540, RSMo, adopted in 1967, authorize the Governor to reorganize executive departments without prior

approval from the General Assembly; and

WHEREAS, disapproval must occur within 60 days or by April 5, 1999 and may be accomplished through adoption of a resolution by one house; and

WHEREAS, the opposed changes are not in the best interest of the people of Missouri;

THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Reorganization Plan No. 1, issued by Governor Mel Carnahan on February 4, 1999, and read in the Senate on February 8, 1999, be disapproved.

CONCURRENT RESOLUTIONS

Senator Maxwell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

Relating to wild elk herds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to crops and other agricultural production as well as fences; and

WHEREAS, since the elk is the largest member of the cervidac (deer) family, another safety concern of wild elk herds includes the hazard to motorists; and

WHEREAS, the department of conservation has indicated it may support the reestablishment of wild elk herds in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to reconsider any movement toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the director of the Department of Conservation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 445-By Mathewson.

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to screening for hearing loss in newborns.

SB 446-By Stoll.

An Act to repeal section 644.031, RSMo Supp. 1998, relating to storm water control, and to enact in lieu thereof one

new section relating to the same subject.

SB 447-By Stoll.

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to regulation of gas and electric companies.

SB 448-By Stoll.

An Act to amend chapter 337, RSMo by adding thereto eleven new sections relating to the regulation and licensing of professional addictions counselors, with penalty provisions.

SB 449-By Jacob.

An Act relating to financing of certain election campaigns, with a referendum clause and penalty provisions.

SJR 28-By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting two new sections in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 312, with **SCA 1**, introduced by Senator Sims, entitled:

An Act to repeal sections 94.110, 94.270, 94.360, 191.769 and 291.060, RSMo 1994, and to enact in lieu thereof five new sections relating to bowling centers.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion failed.

On motion of Senator Sims, **SB 312** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

SB 112, introduced by Senator Schneider, entitled:

An Act to repeal section 528.620, RSMo 1994, relating to partition suits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 112** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Ehlmann--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 264, introduced by Senator Caskey, entitled:

An Act to repeal section 211.073, RSMo Supp. 1998, relating to juveniles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 264** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 321, introduced by Senator Caskey, entitled:

An Act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 321** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 271, introduced by Senator Ehlmann, entitled:

An Act to repeal section 474.310, RSMo 1994, relating to wills, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Ehlmann, **SB 271** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 213, introduced by Senator Scott, entitled:

An Act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 213** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Banks Ehlmann--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 188, introduced by Senator House, entitled:

An Act to repeal sections 442.090, 442.095 and 442.100, RSMo 1994, relating to veterans, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 188** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 139, introduced by Senator Childers, entitled:

An Act to repeal section 48.053, RSMo 1994, relating to elections of certain county treasurers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 139** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None
Absent--Senator Johnson--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 169, introduced by Senator Maxwell, entitled:

An Act to repeal section 42.105, RSMo 1994, relating to the national guard, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Maxwell moved that **SB 169** be read the 3rd time and finally passed.

At the request of Senator Maxwell, the above motion was withdrawn.

SB 149, introduced by Senator Childers, entitled:

An Act to repeal section 301.301, RSMo Supp. 1998, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 149** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Singleton--1			
Absent--Senator Johnson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 17, introduced by Senator Staples, entitled:

An Act to repeal section 304.170, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 17** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Johnson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 10, introduced by Senator Scott, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Mark McGwire Highway.

Was called from the Consent Calendar and taken up.

Senator Scott moved that **SB 10** be read the 3rd time and finally passed.

At the request of Senator Scott, the above motion was withdrawn.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 450-By Johnson and DePasco.

An Act to repeal section 393.290, RSMo 1994, and to enact in lieu thereof one new section relating to safety regulation of certain heating companies.

SB 451-By Singleton.

An Act to repeal sections 590.100, 590.101, 590.110, 590.116, 590.117, 590.130, 590.131, 590.150, 590.178 and 590.180, RSMo 1994, and sections 590.105, 590.115, 590.135 and 590.140, RSMo Supp. 1998, relating to public

safety, and to enact in lieu thereof sixteen new sections relating to the same subject.

SB 452-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to pilot program of urban early compulsory school attendance, with penalty provisions.

SB 453-By Wiggins.

An Act to repeal sections 197.310, 197.311, 197.315, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357 and 197.360, RSMo 1994, and sections 197.305, 197.312, 197.313, 197.316, 197.320 and 197.366, RSMo Supp. 1998, relating to certificate of need, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

REFERRALS

President Pro Tem Quick referred **HCR 11** to the Committee on Rules, Joint Rules and Resolutions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 152**, entitled:

An Act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 79**, entitled:

An Act to repeal section E, of Proposition A as approved by the voters on November 3, 1998, relating to animal fighting, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 39**, entitled:

An Act to repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 399**, entitled:

An Act to repeal section 144.655, RSMo Supp. 1998, relating to filing and payment of use taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 35**, entitled:

An Act to repeal section 92.336, RSMo 1994, relating to the Kansas City convention and tourism tax, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 5**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district bond elections and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Connie L. Johnson, 1174 Hodiament, St. Louis City, Missouri 63112, as a public member of the Board of Geologist Registration, for a term ending April 11, 2000, and until her successor is duly appointed and qualified; vice, Patricia Shell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marvin R. Beck, 863 College Park, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 11, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Alverne B. Fiddmont-Hood, 1222 Dunston Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 360**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 136**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 218**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, his daughter, Jessica Sublette Jacob, Columbia; and Jessica was made an honorary page.

Senator Staples introduced to the Senate, Shane and Kimberly Van Steenis, Shannon County.

Senator Klarich introduced to the Senate, Hiel and Mary Kay St. Onge, Wildwood.

Senator Stoll introduced to the Senate, members of Jobe's Daughters from Jefferson and St. Louis Counties.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 16, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

"Blessed are those who recognize their need of God for their's is the Kingdom of Heaven." (Matthew 5:1 (Phillips'))

Almighty God: Like most leaders we are aware of our need of You for on our own we can do little and nothing of real consequence. So we pray this day for Your presence in all we do and say that we might make decisions and take actions keeping with Your will. And we pray for so many suffering from flu and colds and pray for Your healing power to bring health and strength to those who are ill. This we ask in Your Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 243, regarding Patra, pet of John and Donna Jacobs, Lohman, which was adopted.

Senator Rohrbach offered Senate Resolution No. 244, regarding Cecil Koechner, Tipton, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 454-By Bentley.

An Act to repeal section 88.812, RSMo 1994, relating to special assessments for public works, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 318**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 2 for **SA 1** was again taken up.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator DePasco announced that photographers from Channel-8 had been given permission to take pictures in the Senate Chamber today.

Senator Kenney offered **SA 1** to **SSA 2** for **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 218 of the Senate Journal for Wednesday, February 10, 1999, Column 1, Line 39 of said column, by inserting immediately after all of said line the following:

"Further amend said bill, Page 7, Section 147.010, Line 7 of said page, by inserting immediately after all of said line the following:

"160.500. 1. Sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, RSMo, sections 162.203 and 162.1010, RSMo, section 163.023, RSMo, sections 166.275 and 166.300, RSMo, section 170.254, RSMo, section 173.750, RSMo, and sections 178.585 and 178.698, RSMo, may be cited as the "Outstanding Schools Act" and includes provisions relating to reduced class size, the A+ schools program, funding for parents as teachers and early childhood development, teacher training, the upgrading of vocational and technical education, measures to promote accountability and other provisions of those sections.

2. There is hereby established in the state treasury the "Outstanding Schools Trust Fund". The moneys in the fund shall be available to support only the provisions, reforms and programs referenced in subsection 1 of this section or otherwise contained in this act. The fund shall consist of moneys required by law to be credited to such fund and moneys appropriated annually by the general assembly. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund. Of all refunds made of taxes deposited into the fund, the appropriate percentage of any refund shall be paid from the fund or deducted from transfers to the fund.

3. The commissioner of administration shall estimate and furnish to the state treasurer the appropriate net increase in the amount of state tax revenues collected and any adjustments to previous estimates pursuant to this act from the following: the additional one and one-fourth percent tax on Missouri taxable income collected under subsection 2 of

section 143.071, RSMo; and the reduction of the federal income tax deduction pursuant to [subsections 2 and 3] **subsection 2** of section 143.171, RSMo, not including any change in tax collections resulting from any revision of the federal tax code made after January 1, 1993. **For all tax years beginning on or after January 1, 1999, the commissioner of administration shall also include in such estimate an amount equal to three and one-eighth percent of the cumulative amount claimed by all corporate taxpayers as a deduction for federal income tax liability pursuant to section 143.171, RSMo.** The treasurer shall transfer monthly from general revenue an amount equal to the estimate to the outstanding schools trust fund established in subsection 2 of this section."; and".

Senator Kenney moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 1 to SSA 2** for **SA 1** is out of order in that it goes beyond the scope of the subject matter of **SSA 2** for **SA 1**.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Jacob, **SB 318**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Quick referred **SCR 15** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SB 4** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 14**--Appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 4**.

WHEREAS, section 33.155, RSMo, allows the commissioner of administration and the state treasurer to establish an electronic funds transfer system to allow state employees' compensation to be transferred directly into employees' accounts in financial institutions; and

WHEREAS, some state employees do not have an account established at a financial institution; and

WHEREAS, certain state agencies are requiring employees in the agency to authorize the direct electronic transfer of the employees' compensation into an account at a financial institution; and

WHEREAS, such requirement creates an undue hardship on such employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby direct the commissioner of administration and the state treasurer to establish in the standards and procedures for administering an electronic funds transfer pursuant to section 33.155, RSMo, a requirement for all state agencies to allow state employees earning less than one thousand five hundred dollars per month to have the option to either receive their monthly compensation in the form of a bank draft made payable to the employee or to have such monthly compensation transferred directly into the employee's account at a financial institution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the commissioner of administration and the state treasurer.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby request the President of the United States to commence an immediate study to determine the entry into the customs territory of the United States of all steel products that are the products of, or are manufactured in, Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that we, the members of the Missouri Ninetieth General Assembly, First Regular Session, request the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of, or are manufactured in, Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products in the United States; and

BE IT FURTHER RESOLVED that we, the members of the Missouri Ninetieth General Assembly, First Regular Session, request the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States and to the members of the Missouri Congressional delegation.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 245, regarding the death of Raymond Eugene Leek, Springfield, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 248, regarding Issam B. Amary, Marshall, which was adopted.

Senator Flotron offered Senate Resolution No. 246, regarding Kevin P. Toben, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 247, regarding James E. Markham, Holts Summit, which was adopted.

THIRD READING OF SENATE BILLS

SB 90, with **SCS**, introduced by Senator Johnson, entitled:

An Act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 90**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 90

An Act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **SB 90** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 90** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Graves	Staples--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SB 10** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SB 10** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Goode	Maxwell--2		
	Absent--Senators		
Bentley	Staples--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 51, with **SCS**, introduced by Senator Westfall, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

Was called from the Consent Calendar and taken up.

SCS for **SB 51**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 51

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

Was taken up.

Senator Westfall moved that **SCS** for **SB 51** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 51** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 115, introduced by Senator Russell, entitled:

An Act to repeal section 301.441, RSMo Supp. 1998, relating to licensing of motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 115** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Singleton

Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 455-By Stoll, DePasco and Quick.

An Act to repeal sections 116.160, 116.170, 116.175 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof five new sections relating to the powers of the general assembly.

SB 456-By Klarich.

An Act to repeal section 362.077, RSMo Supp. 1998, relating to bank charters, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 329**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 310**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 357, Page 1, Section 1, Line 2, by striking the word "Weiss" and inserting in lieu thereof the following: "**Weis**"; and further amend said section, line 8, by striking "Weiss" and inserting in lieu thereof the following: "**Weis**".

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 158**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 318**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 2 for **SA 1** was again taken up.

At the request of Senator Kenney, the above substitute amendment was withdrawn.

Senator Kenney offered **SSA 3** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 3 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 147.010, Line 4, by inserting immediately before said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1998**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.**

3. For all tax years beginning on or after September 1, 1993, **but before January 1, 1999**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before January 1, 2000, a corporate taxpayer shall be**

allowed a deduction for sixty-seven percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before January 1, 2001, a corporate taxpayer shall be allowed a deduction of eighty-three percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, a corporate taxpayer shall be allowed a full deduction for its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend Page 7, Section 147.010, line 7, by inserting immediately thereafter the following:

"160.500. 1. Sections 160.500 to 160.538, sections 160.545 and 160.550, sections 161.099 and 161.610, RSMo, sections 162.203 and 162.1010, RSMo, section 163.023, RSMo, sections 166.275 and 166.300, RSMo, section 170.254, RSMo, section 173.750, RSMo, and sections 178.585 and 178.698, RSMo, may be cited as the "Outstanding Schools Act" and includes provisions relating to reduced class size, the A+ schools program, funding for parents as teachers and early childhood development, teacher training, the upgrading of vocational and technical education, measures to promote accountability and other provisions of those sections.

2. There is hereby established in the state treasury the "Outstanding Schools Trust Fund". The moneys in the fund shall be available to support only the provisions, reforms and programs referenced in subsection 1 of this section or otherwise contained in this act. The fund shall consist of moneys required by law to be credited to such fund and moneys appropriated annually by the general assembly. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund. Of all refunds made of taxes deposited into the fund, the appropriate percentage of any refund shall be paid from the fund or deducted from transfers to the fund.

3. The commissioner of administration shall estimate and furnish to the state treasurer the appropriate net increase in the amount of state tax revenues collected and any adjustments to previous estimates pursuant to this act from the following: the additional one and one-fourth percent tax on Missouri taxable income collected under subsection 2 of section 143.071, RSMo; and the reduction of the federal income tax deduction pursuant to [subsections 2 and 3] **subsection 2** of section 143.171, RSMo, not including any change in tax collections resulting from any revision of the federal tax code made after January 1, 1993. **For all tax years beginning on or after January 1, 1999, the commissioner of administration shall also include in such estimate an amount equal to three and one-eighth percent of the cumulative amount claimed by all corporate taxpayers as a deduction for federal income tax liability pursuant to section 143.171, RSMo.** The treasurer shall transfer monthly from general revenue an amount equal to the estimate to the outstanding schools trust fund established in subsection 2 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 3** for **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 3 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 3 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 2, Section 143.171, Lines 37 and 38, by striking "for fifty percent of"; and amend line 40, by inserting after the word "filed" the words: "not to exceed ten thousand dollars"; and amend lines 45 to 58 on pages 2 and 3, by striking all of said lines; and amend page 3, lines 20 to 36, by striking the bold face type in said lines.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Jacob, Kenney and Mathewson.

Senator Schneider closed on the amendment.

Senator Schneider requested unanimous consent to make technical changes in his amendment.

Senator Ehlmann raised the point of order that Senator Schneider had closed and therefore could not make any additional remarks.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider requested that the amendment be returned.

Senator Ehlmann raised the point of order that the request made by Senator Schneider is out of order as Senator Schneider was recognized to close and did so.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 to SSA 3 for SA 1 failed of adoption by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	Jacob	Mathewson
Maxwell	Quick	Schneider	Scott
Staples	Stoll	Wiggins--15	
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall	Yeckel--19	
Absent--Senators--None			
Absent with leave--Senators--None			

SSA 3 for SA 1 was again taken up.

Senator Klarich requested a roll call vote be taken on the adoption of **SSA 3 for SA 1** and was joined in his request by Senators Childers, Kenney, Sims and Yeckel.

SSA 3 for SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Yeckel--16

NAYS--Senators

Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll	Wiggins--18		
	Absent--Senators--None		
	Absent with leave--Senators--None		

SA 1 was again taken up.

At the request of Senator Kenney, **SA 1** was withdrawn.

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 5, Section 147.010, Lines 11-17 of said substitute, by striking all of said lines and inserting in lieu thereof the following: "state."; and

Further amend said bill, page 7, section 147.010, line 7 of said substitute, by inserting after all of said line the following:

"147.020. 1. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation liable to the tax prescribed in section 147.010 shall make a report in writing showing the financial condition of the corporation at the beginning of business on the first day of its taxable year to the secretary of state annually on or before the fifteenth day of the fourth month of the corporation's taxable year in such form as the secretary of state may prescribe. The report shall be signed by an officer of the corporation.

2. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, if a corporation shall obtain an extension of time for filing its annual Missouri income tax return pursuant to section 143.551, RSMo, such corporation will also be granted a corresponding extension of time for filing the report required under this chapter for its taxable year immediately succeeding the taxable year for which the income tax extension is granted. At the time the corporation files its annual corporate report, it shall inform the secretary of state in writing of such extension.

3. Every corporation having a transitional year liable for the tax prescribed in section 147.010 shall make a report in writing, showing the financial condition of the corporation at the beginning of business on the first day of its transitional year, on or before April 15, 1980, in such form as the director may prescribe. The report shall be signed by an officer of the corporation.

147.030. 1. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, the franchise tax provided for in this chapter shall be paid on or before the fifteenth day of the fourth month of the corporation's taxable year.

2. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, if a corporation shall obtain an extension of time for paying its annual Missouri income tax pursuant to section 143.551, RSMo, such corporation will also be granted a corresponding extension of time for paying the franchise tax due under this chapter for its taxable year immediately succeeding the taxable year for which the income tax extension is granted.

3. If the time for filing the franchise tax report is extended under section 147.020, but the time for payment of the franchise tax is not extended under this section, the corporation shall pay, on or before the fifteenth day of the fourth month of its taxable year, the amount properly estimated as its franchise tax for the taxable year.

4. Every corporation having a transitional year shall pay the franchise tax provided for in this chapter on or before the fifteenth day of April 1980.

147.050. 1. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation organized under any laws of this state and every foreign corporation engaged in business in this state and having no shares shall make a report in writing to the secretary of state, annually, on or before the fifteenth day of the fourth month of the corporation's taxable year, in the form as the secretary of state may prescribe.

2. The report shall be signed by an officer of the corporation, and forwarded to the secretary of state; provided, that all state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized under any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, shall not be required to make reports and shall be exempt from all the provisions of this section and chapter and shall not be required to pay any fees as in this chapter provided.

3. Every corporation having a transitional year and coming under the provisions of this section shall make the report required hereunder on or before the fifteenth day of April, 1980.

147.070. 1. Every corporation organized as a mutual insurance corporation not having shares, or any other corporation not organized strictly for religious, charitable or educational purposes and having no shares or of a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators or assigns of the deceased member thereof shall in addition to filing the report prescribed in section 147.050 pay an annual fee of twenty-five dollars.

2. All foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state having outstanding shares with stated capital of less than five hundred thousand dollars shall pay an annual fee of fifty dollars, and all other such insurance companies having outstanding shares with stated capital of more than five hundred thousand dollars an annual fee of one hundred dollars for the privilege of doing business in this state, and all savings and loan associations and domestic and foreign regulated investment companies as defined by section 170 of the act of Congress commonly known as the "Revenue Act of 1942", as now existing or hereafter amended, to pay an annual fee to the state of twenty-five dollars for the privilege of doing business in this state in place of the fee based on the outstanding shares and surplus as herein provided.

3. For each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, any corporation coming under the provisions of this section shall pay the fee stipulated hereunder on or before the fifteenth day of the fourth month of the corporation's taxable year.

4. Every corporation having a transitional year and coming under the provisions of this section shall compute the fee due hereunder as provided in subsection 6 of section 147.010 and pay such fee on or before the fifteenth day of April 1980."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kinder, Mueller and Westfall.

SA 2 was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Ehlmann
Flotron	Graves	House	Kenney
Kinder	Klarich	Mueller	Russell

Scott Yeckel--17	Sims	Singleton	Westfall
	NAYS--Senators		
Bland	Caskey	Clay	DePasco
Goode	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Schneider
Staples	Steelman	Stoll	Wiggins--16
	Absent--Senator Rohrbach--1		
	Absent with leave--Senators--None		

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 2, Section 143.113, Line 4 of said page, by striking the numeral "1999" and inserting in lieu thereof the numeral "**2000**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 1, Section 143.111, Line 1, by inserting before all of said line the following:

"135.550. 1. As used in this section, the following terms shall mean:

(1) **"Contribution", a donation of cash, stock, bonds or other marketable securities;**

(2) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

[(2)] (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

[(3)] (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made

may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. **Shelters for victims of domestic violence shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**.

135.600. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;

[(1)] **(2) "Maternity home"**, a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

[(2)] **(3) "State tax liability"**, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

[(3)] **(4) "Taxpayer"**, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or

an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year [is] **has a value of** at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. **Maternity homes shall be permitted to decline a contribution from a taxpayer.** The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, [1998] **2000**, and shall apply to all tax years after December 31, [1997] **1999**."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator House moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Banks

Bland

Caskey

Clay

DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll	Wiggins--18		
	NAYS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Yeckel--16
	Absent--Senators--None		
	Absent with leave--Senators--None		

SA 2 was again taken up.

Senator Staples assumed the Chair.

Senator Johnson assumed the Chair.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Bentley, Ehlmann, Graves and Westfall.

President Wilson assumed the Chair.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Klarich	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Westfall	Yeckel--16
	NAYS--Senators		
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Staples	Stoll
Wiggins--17			
	Absent--Senator Kinder--1		
	Absent with leave--Senators--None		

Senator Flotron offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 1, Section 143.111, Line 1, by inserting immediately before said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying

taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; and

(c) [Except] Where **a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents, except when** it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child[, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents];

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, **and before January 1, 2000**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 2, Section 143.113, Line 22, by inserting the following language after the period on said line:

"143.124. **1.** Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and the first six thousand dollars of any retirement allowance received from any privately

funded sources for tax years beginning on or after January 1, 2002:

- (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than [twenty-five] **thirty-two** thousand dollars; or
 - (2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than [thirty-two] **forty** thousand dollars; or
 - (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than [sixteen] **twenty** thousand dollars.
4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any Social Security benefits included in Missouri adjusted gross income shall be subtracted. But Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.
5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.
6. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.
7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

Section B. The repeal and reenactment of section 143.124 shall become effective on January 1, 2000, and shall apply to all taxable years beginning on or after January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Singleton, Westfall and Yeckel.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Yeckel--16
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll	Wiggins--18		
Absent--Senators--None			
Absent with leave--Senators--None			

At the request of Senator DePasco, the Senate stood at ease for 15 minutes.

Senator Rohrbach offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 7, Section 147.010, Line 7 of said page, by adding at the end of said line the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local [or in lieu watercraft] taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes [or in lieu watercraft] taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a coowner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

[2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF

WATERCRAFT TAX DUE

\$50,000 or less \$ 650.00

\$50,001 to \$100,000 1,250.00

\$100,001 to \$150,000 1,850.00

\$150,001 to \$200,000 2,450.00

\$200,001 and above 3,050.00

3.] **2.** The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] **3.** The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] **4.** Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation."; and

Further amend the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Schneider, Singleton and Westfall.

SA 7 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Flotron	Goode
Graves	Rohrbach	Russell	Schneider
Singleton	Westfall-- 10		
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--24
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Graves offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 1, Section 143.111, Line 1, by inserting immediately before said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for-profit agri-business associations**;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 1, Section 143.111, Line 1, by inserting immediately before said line the following:

"137.102. 1. This act shall be known and may be cited as "The Missouri Homestead Preservation Act".

2. Notwithstanding any other provision of law to the contrary, the assessed value of residential property, excluding any value added by new construction or improvements, owned by any person who is under the age of sixty-five years and using the property as a homestead, or owned by any person who is sixty-five years of age or older who has resided on such property for a period of less than five years, shall not increase during any two-year reassessment period by more than the consumer price index or five percent, whichever is less.

3. The assessed value of residential property, excluding any value added by new construction or improvements, owned by any person who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that person resides on that property after attaining the age of sixty-five years. Any homestead property taken or condemned through judicial proceeding by the United States, or by any political subdivision of the state of Missouri shall exempt the owner of said homestead property under this subsection from the five-year residency eligibility requirement. Age and years of residence for purposes of this section shall be determined as of January 1 of each odd-numbered year; provided, however, that such information shall be provided by affidavit of the owner of homestead property by such date to the county assessor.

4. All revenue losses of any political subdivision resulting from the limitation on assessed valuations contained in this section shall be reimbursed to those political subdivisions by the state of Missouri through appropriations. Data substantiating revenue losses resulting from the limitation on assessed valuations as contained in this section shall be provided to the state auditor in such form as shall be prescribed by the state auditor by rule promulgated pursuant to chapter 536, RSMo. The required data shall be submitted for each political subdivision levying a property tax and shall be submitted by either the county or the individual taxing authority as requested by the state auditor. Calculation or verification of the revenue loss shall be determined by the state auditor subsequent to the annual property tax rate review completed pursuant to section 137.073. All data and documents substantiating the revenue loss for each political subdivision shall be copied to each county clerk respectively and shall be retained and made available for public inspection by the county for a minimum of three years. Whenever a taxpayer in a taxing jurisdiction has cause to believe that the taxing jurisdiction has not complied with the provisions of this section, the taxpayer shall have legal standing to bring a civil action to determine and require compliance with this section."; and

Further amend said bill, page 7, section 147.010, line 7, by inserting after said line the following:

"Section B. Section 137.102 shall become effective January 1, 2000, and shall apply to all tax years beginning on or after January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 9** is out of order in that the amendment exceeds the scope of the bill and is not germane.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich raised the point of order that **SS** for **SCS** for **SB 318** is out of order as it exceeds the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Singleton offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 2, Section 143.113, Line 22, by inserting immediately after all of said line the following:

"143.131. 1. The Missouri standard deduction may be deducted in determining Missouri taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize his deduction as provided in section 143.141.

2. The Missouri standard deduction shall be the allowable federal standard deduction, **increased for all taxable years beginning on or after January 1, 2001, to the extent not otherwise deductible by the taxes for the same taxable**

year for which the return is being filed that are imposed by section 3101 of the Internal Revenue Code, relating to the tax on employees under the Federal Insurance Contributions Act, by sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Act, and by section 1401, relating to tax on self-employment income, to the extent that such taxes were not deducted in the computation of the taxpayer's federal adjusted gross income under the Internal Revenue Code of 1986, as amended."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Johnson, Kinder and Mueller.

SA 10 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Westfall	Yeckel--16
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll	Wiggins--18		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Sims offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 143.161, Line 3 of said page, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, **and on or after January 1, 2000**, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, **but before January 1, 2000**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon,

except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Kenney, Russell, Singleton and Yeckel.

SA 11 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Steelman	Stoll	Wiggins--19	
Absent--Senators--None			
Absent with leave--Senators--None			

At the request of Senator Jacob, **SB 318**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 401**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 276**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 276, Page 4, Section 360.015, Line 96, by striking the opening bracket "["; and further amend by inserting an opening bracket "[" immediately before the word "in".

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Steve Cox and Don Cotter, Springfield.

Senator Mueller introduced to the Senate, the Physician of the Day, Dr. Garry Johnson, Des Peres.

Senator Rohrbach introduced to the Senate, Mrs. Gwen Thompson and fourth grade students from South Elementary School, Jefferson City; and Michael Marcum, Will Spencer, Elise Hasty and Endya Corbin were made honorary pages.

Senator Russell introduced to the Senate, his son-in-law, Jim Montgomery, and Grant Marsh, Springfield.

Senator Russell introduced to the Senate, Randy Walters and David Lawson, Waynesville.

Senator Steelman introduced to the Senate, Correne Davis, Megan Moore and Tasha Brownlee, Rolla; and Judy Cavender, St. James.

Senator Flotron introduced to the Senate, ninety fourth grade students from Bridgeway Elementary School, Bridgeton; and Robyn Odegard, Collin Galster, Marshall Branco and Greg Cummings were made honorary pages.

Senator Yeckel introduced to the Senate, Girl Scout Troop 36 from St. Catherine LaBourne School, St. Louis; and Brittny Beckerle, Mary Kate Hogan, Megan Batsch and Vanessa Kamp were made honorary pages.

Senator Singleton introduced to the Senate, Derik Campbell and Debbie Scoeberl, Joplin.

Senator Schneider introduced to the Senate, Kenneth Thomas, Ferguson.

Senator Bentley introduced to the Senate, Rosa Archibald, Springfield.

Senator Rohrbach introduced to the Senate, Brian King, St. Louis.

Senator Bentley introduced to the Senate, Nancy Brown, Springfield.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 17, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: Today many begin a journey that calls for us to look seriously at our lives and how we have followed Your teachings and expectations of us. Some wear Ashes, some attend special services, and some recall the journey of how they became Your people. For us, regardless of what we proclaim our faith to be, we commence this required journey of self exploration, repentance and reconciliation and ask that You walk with us and help us to learn of You, our God. Amen.

The Pledge of Allegiance to the Flag was recited.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 249, regarding Patricia Baldwin, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 250, regarding Ernest L. Smith, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 251, regarding the Dexter Super Town & Country, which was adopted.

Senator Howard offered Senate Resolution No. 252, regarding Mark Snider, Dexter, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 457-By Steelman.

An Act to repeal section 160.400, RSMo Supp. 1998, relating to establishment of charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 458-By Steelman.

An Act to repeal sections 380.031, 380.511 and 380.591, RSMo 1994, relating to Missouri mutual insurance company, and to enact in lieu thereof four new sections relating to the same subject.

SB 459-By Bland.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college admissions policies.

THIRD READING OF SENATE BILLS

SB 61, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 226.535, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 61**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 61

An Act to repeal section 226.525, RSMo 1994, relating to tourist-oriented directional signs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 61** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 61** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller

Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senator Rohrbach-- 1		
	Absent--Senators		
Ehlmann	Flotron	Graves	House
Maxwell	Schneider--6		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SB 315, introduced by Senator Staples, entitled:

An Act to authorize the conveyance of state property to the city of Farmington.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 315** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Flotron-- 1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 277, with **SCA 1**, introduced by Senator Russell, entitled:

An Act to repeal sections 253.081 and 253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 277**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Flotron	Westfall--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 187, introduced by Senator Kenney, entitled:

An Act to repeal section 167.151, RSMo 1994, relating to payment of school tuition, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 187** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Flotron	Schneider	Scott--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 124, introduced by Senator Sims, entitled:

An Act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 124** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Flotron	Howard--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 415--Transportation.

SB 416--Ways and Means.

SB 418--Aging, Families and Mental Health.

SB 419--Civil and Criminal Jurisprudence.

SB 420--Ways and Means.

SB 421--Elections, Veterans' Affairs and Corrections.

SB 422--Education.

SB 423--Agriculture, Conservation, Parks and Tourism.

SB 424--Agriculture, Conservation, Parks and Tourism.

SB 425--Education.

SB 426--Commerce and Environment.

SB 427--Local Government and Economic Development.

SB 428--Education.

SB 429--Insurance and Housing.

SB 430--Insurance and Housing.

SB 431--Judiciary.

SB 432--Ways and Means.

SB 433--Agriculture, Conservation, Parks and Tourism.

SJR 26--Education.

REFERRALS

President Pro Tem Quick referred **HCR 4** and **HCR 9** to the Committee on Rules, Joint Rules and Resolutions.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 78** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 78, Page 1, In the Title, Line 3, by inserting after "subject" the following: ", with an effective date"; and

Further amend said bill, page 2, section RULE 5.29, line 26, by inserting after all of said line the following:

"Section B. The repeal and reenactment of supreme court RULE 5.29 shall become effective July 1, 2000."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

"(d) Any nonattorney appearing under the provisions of this rule shall be advised by the presiding administrative law judge of the following:

(1) The right to be represented by a licensed attorney; and

(2) An explanation of the procedures and requirements of the proceeding, including the right and procedure of appeal."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

"(d) Any nonattorney appearing pursuant to this section shall be subject to supreme court rules of professional conduct governing the conduct and practices of attorneys. Violations are subject to a finding of contempt by the administrative law judge. Violations rising to the level of criminal conduct shall be prosecuted by the prosecuting attorney in the jurisdiction where the proceeding occurs."

Senator Klarich moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Bill No. 78, Page 1, Section 5.29, Lines 6-8, by deleting those lines.

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson assumed the Chair.

SA 3 was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 78, Page 2, Section Rule 5.29, Line 26, by inserting immediately after all of said line the following:

"(d) Any nonattorney appearing pursuant to this section shall be subject to supreme court rules of professional conduct governing the conduct and practices of attorneys. Violations are subject to a finding of contempt by the administrative law judge."

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Russell, **SB 78**, with **SA 4** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 153**, entitled:

An Act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 323**, entitled:

An Act to authorize the governor to convey certain property in Cole County which is part of the correctional facility known as the Church Farm.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 338**, entitled:

An Act to repeal sections 304.030, 304.580, 390.020, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.126, 390.136, 390.146, 390.171, 516.103, 516.390 and 622.095, RSMo 1994, and sections 304.010, 307.400, 390.250, 390.270, 390.290, 390.300, 390.310, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610 and 622.612, RSMo Supp. 1998, relating to the division of motor carrier and railroad safety, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 618**, entitled:

An Act relating to the health care needs of the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 318**, entitled:

An Act to repeal section 190.307, RSMo 1994, and section 650.330, RSMo Supp. 1998, relating to certain emergency telephone services, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 524**, entitled:

An Act to repeal sections 260.475 and 260.479, RSMo 1994, relating to fees on hazardous wastes, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 139**, entitled:

An Act relating to tourism sales taxation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 541**, entitled:

An Act to amend chapter 262, RSMo, relating to promotion of agriculture and horticulture by adding thereto four new sections relating to the southern dairy compact, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 368**, entitled:

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to salaries of certain state employees, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 460-By House.

An Act to repeal sections 33.103, 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435 and 166.455, RSMo Supp. 1998, relating to Missouri higher education savings program, and to enact in lieu thereof nine new sections relating to the same subject.

SB 461-By House.

An Act to repeal section 164.161, RSMo 1994, and section 165.051, RSMo Supp. 1998, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

SB 462-By Ehlmann.

An Act to amend chapter 33, RSMo, by adding thereto sixteen new sections relating to procedures and remedies for reporting and recovery of public funds lost to fraud.

SB 463-By Ehlmann.

An Act to repeal section 320.320, RSMo 1994, and sections 190.060, 321.220 and 321.600, RSMo Supp. 1998, relating to volunteer firefighters' benefits, and to enact in lieu thereof four new sections relating to the same subject.

SB 464-By Ehlmann.

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to workers' compensation.

SB 465-By Ehlmann and House.

An Act to repeal section 478.600, RSMo 1994, relating to circuit judges, and to enact in lieu thereof one new section relating to the same subject.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

February 11, 1999

The Honorable Harry Wiggins

Missouri Senate

Capitol Building, Room 423

Jefferson City, MO 65101

Dear Senator Wiggins:

Pursuant to section 185.100, it is my pleasure to appoint you to the Arts Council Trust Fund Board of Trustees.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, Dan and Ellen Bruntrager, and their children, Ellen, Claire and Mary Grace, Des Peres; and Ellen, Claire and Mary Grace were made honorary pages.

Senator Maxwell introduced to the Senate, Chris J. Maglio, Kirksville.

Senator Russell introduced to the Senate, Lloyd Gunter, Conway; and J.D. Hutsell, Mountain Grove.

Senator Rohrbach introduced to the Senate, Bernie Fechtel, Jefferson City.

Senator Johnson introduced to the Senate, Gertrude Reeves, Leta Rainez, Mildred Taylor, Oralee Pike, Lucille H. Hall, Mary Richey Lucile Jackson, Dorothy Spaulding, Shirley Myers and Joan Gillman, St. Joseph; and Tanya Moore, Rosendale.

Senator Howard introduced to the Senate, Mary Lee, Malden; Jan Cradduck, Clarkton; Kurt Luecke, Poplar Bluff; and Gregory Bradley, Kennett.

On behalf of Senators Flotron, Sims and Goode, Senator Howard introduced to the Senate, Dr. Kenneth Bohm, Ballwin; and Dr. K. Lynne Moritz and Gil Marsh, M.S.W., St Louis.

Senator Wiggins introduced to the Senate, Mr. and Mrs. Thomas Wilson, and their children, Natlie, Erica and Valerie, Kansas City; and Natlie, Erica and Valerie were made honorary pages.

Senator Clay introduced to the Senate, the Physician of the Day, Dr. Thomas Saak, St. Louis.

Senator Steelman introduced to the Senate, eleventh and twelfth grade students from Steelville.

Senator Childers introduced to the Senate, Sherry Mohler and seventh and eighth grade students from West Plains Middle School, West Plains.

Senator Kinder introduced to the Senate, Bill Bess, Cape Girardeau.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 18, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: Guide us this day that our lives may reflect Your prompting is virtuous living so that we are not swayed by the enticing temptations of life. And we pray, watch our "going out and coming in" as we travel home and enjoy the blessings and gifts of wondrous living You provide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 253, regarding the 1999 Jefferson County Cultural Diversity Luncheon, which was adopted.

Senator Graves offered Senate Resolution No. 254, regarding the Fiftieth Anniversary of Boy Scout Troop 120, Chillicothe, which was adopted.

Senators Bland, Quick, Wiggins and DePasco offered Senate Resolution No. 255, regarding the Tenth Anniversary of the Metropolitan Ambulance Service Trust/Emergency Providers, Incorporated of Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 256, regarding Renee Paluka, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 466-By Caskey.

An Act to repeal section 205.180, RSMo 1994, relating to elections of hospital trustees, and to enact in lieu thereof one new section relating to the same subject.

SB 467-By Caskey.

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1032, 50.1036, 50.1038, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to county employees' retirement system, and to enact in lieu thereof twenty-one new sections relating to the same subject.

SB 468-By Scott.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the creation of the Missouri earthquake catastrophe fund.

SB 469-By Wiggins.

An Act to repeal section 143.081, RSMo 1994, relating to credit for income tax paid to another state, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 470-By Wiggins.

An Act to repeal sections 197.317 and 197.318, RSMo Supp. 1998, relating to certificate of need law, and to enact in lieu thereof two new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

At the request of Senator Wiggins, **SB 203** was placed on the Informal Calendar.

Senator Howard moved that **SB 31** and **SB 285**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 31** and **285**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 31 and 285

An Act to repeal sections 130.046 and 130.050, RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Howard moved that **SCS** for **SBs 31** and **285** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 7, Section 130.050, Line 61, by inserting

immediately after said line the following:

"130.057. 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. The ethics commission may establish for elections in 1996 and shall establish for elections and all required reporting beginning in 1998 and maintain thereafter a state campaign finance and financial interest disclosure electronic reporting system pursuant to this section for all candidates required to file. The system may be used for the collection, filing and dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed with the commission pursuant to this chapter and chapter 105, RSMo. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

3. Beginning with the primary and general elections in 1996, candidates and other persons may file reports in an electronic format as prescribed by the commission or may file a paper copy and all reports filed with the commission by any continuing committee shall be filed in electronic format as prescribed by the commission. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, all reports filed with the commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives one thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically.

[4.] **5.** A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

[5.] **6.** All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

[6.] **7.** Annually, the commission shall provide, without cost, a system-wide dump of information contained in the commission's electronic database files to the general assembly. The information is to be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Childers offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 2, Section 130.057, Line 25, by deleting the word "one" and inserting the word "five" in lieu thereof.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"105.964. 1. When the last day of filing any report, statement or other document required to be filed with the commission pursuant to the provisions of chapter 105 or chapter 130, RSMo, falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday.

2. The provisions of subsection 1 of this section shall not apply to any report or disclosure required to be filed less than seven days prior to an election when such report or disclosure contains information relating to such election.

3. The provisions of this section shall also apply to any report, statement or other document required to be filed with an appropriate officer, other than the ethics commission, as indicated pursuant to the provisions of section 130.026, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 2, Section 130.046, Line 5, by inserting immediately after the semicolon ";" the following: **"and"**; and further amend lines 6-13, by striking all of said lines; and further amend line 14, by striking "(3)" and inserting in lieu thereof the following: **"(2)"**; and

Further amend said bill and section, page 3, line 60, by inserting immediately after the semicolon ";" the following: **"and"**; and further amend line 62, by striking "; and" and inserting in lieu thereof a period "."; and further amend lines 63-64, by striking all of said lines; and further amend line 65, by striking the following: "no later than the thirtieth day"; and

Further amend said bill and section, page 4, lines 103-104, by striking the following: "not later than the thirtieth day".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"105.454. **1.** No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or one thousand five hundred dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

2. No elected or appointed member of any ward or county committee shall participate, serve, or perform any service during the time of his or her office with any public educational institution of higher education that provides college level courses of instruction in the same municipality as such member of a ward or county committee."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Howard moved that **SCS** for **SBs 31** and **285**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SBs 31** and **285**, as amended, was declared perfected and ordered printed.

Senator Staples moved that **SB 294** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 294, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

"3. Each person must furnish proof of financial responsibility to the director of revenue that he or she has in effect a motor vehicle liability policy subject to the minimum limits outlined in section 303.190, RSMo."; and

Further amend said section, by renumbering the remaining subsection accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 294, Page 1, Section 302.020, Line 2, by adding after the word "proof" the following: "of health insurance and proof of".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** to **SA 1** was withdrawn.

SA 1 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 294, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

"3. Every person who desires to operate or ride as a passenger on any motorcycle or motortricycle without protective headgear shall file with the director of revenue a security bond in the amount of one hundred thousand dollars which shall cover the operator's or rider's medical expenses."; and

Further amend said section, by renumbering the remaining subsection accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

President Pro Tem Quick assumed the Chair.

Senator Singleton offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 294, Page 1, Section 302.020, Line 19, by striking "twenty-one" and inserting in lieu thereof the following: "**thirty**".

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Kenney offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 294, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 2, section 302.020, line 31, by inserting immediately after said line the following:

"302.321. 1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this state and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Driving while revoked is a class A misdemeanor **on the first conviction**. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. **Driving while revoked is a class D felony on the second or subsequent conviction.**

Section B. Because immediate action is necessary to protect the citizens of this state from repeat traffic offenders, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Singleton was recognized to speak on the bill.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Bland was granted unanimous consent to introduce special guests.

Senator Singleton was recognized to continue speaking.

Senator Staples raised the point of order that further remarks by Senator Singleton would be out of order as he had already spoken on the bill prior to introductions of special guests and that speaking after introduction of the guests

constituted speaking on the bill a second time.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Staples moved that **SB 294**, as amended, be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator Staples moved that **SB 184**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 184, Page 1, Section 186.060, Line 5, by inserting after the word "except" the word "**that**".

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 184**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 471-By Westfall and Maxwell.

An Act to repeal section 394.120, RSMo 1994, relating to transaction of business at meetings of electric cooperatives, and to enact in lieu thereof one new section relating to the same subject.

SB 472-By House.

An Act to repeal sections 162.152, 162.171, 162.181, 162.191, 162.201, 162.261, 162.321, 162.371, 162.391, 162.411, 162.501, 162.631, 164.221, 165.031, 166.151, 167.091, 167.101, 167.141, 167.191, 167.211, 167.221, 167.251, 167.260, 167.268, 167.278, 167.308, 167.330, 168.171, 168.181, 168.191, 168.201, 170.031, 170.041, 170.057, 171.051, 171.141, 171.181, 177.011, 177.031, 177.051, 177.073, 177.091, 177.101, 177.131, 177.161, 177.171, 178.290, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350 and 178.360, RSMo 1994, and sections 161.102, 161.205, 165.091, 165.111, 165.221, 167.161, 168.211 and 177.086, RSMo Supp. 1998, relating to public schools, and to enact in lieu thereof twenty-four new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Charles E. Braithwait, as a member of the Missouri Housing Development Commission;

Also,

Mary Wheeler-Jones, as a public member of the Missouri Board for Respiratory Care;

Also,

Christopher J. Maglio, as a member of the State Committee of Psychologists;

Also,

Mary L. Bruntrager, as a public member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Billie Sue Graves, as a member of the Missouri Head Injury Advisory Council;

Also,

Haryette "Henri" Goettel, as a member of the Child Abuse and Neglect Review Board;

Also,

Lee A. Richardson, Jr., as a member of the State Board of Chiropractic Examiners;

Also,

Anne G. Rottman and Gracia Y. Backer, as members of the State Historical Records Advisory Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 63**, entitled:

An Act relating to assaults in correctional institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 52**, entitled:

An Act relating to certain home improvement loans, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 60**, entitled:

An Act to repeal sections 301.129, 301.145, 301.441, 301.443, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.464 and 301.465, RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 348**, entitled:

An Act to amend chapter 211, RSMo, relating to juvenile courts by adding thereto one new section relating to the registration of juvenile sex offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 65**, entitled:

An Act to repeal sections 86.251, 86.256, 86.260, 86.280, 86.283, 86.287 and 86.810, RSMo Supp. 1998, relating to certain police and firemen retirement benefits, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 271**, entitled:

An Act relating to disclosure of information for medical treatment, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 265**, entitled:

An Act to repeal sections 330.070 and 330.160, RSMo 1994, relating to podiatrists, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 103**, entitled:

An Act to repeal section 82.1025, RSMo Supp. 1998, relating to nuisance property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 530**, entitled:

An Act to repeal sections 408.140 and 408.233, RSMo Supp. 1998, relating to credit transactions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 136**, entitled:

An Act to repeal sections 442.090, 442.095, 442.100 and 474.310, RSMo 1994, and section 211.171, RSMo Supp. 1998, relating to emancipated minors, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 216**, entitled:

An Act to repeal section 701.031, RSMo 1994, relating to disposal of sewage, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 518**, entitled:

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof

one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 417**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 417, Page 1, In the Title, Line 2, by inserting immediately after the word "sales" the following: ", with an emergency clause"; and

Further amend said bill, Page 4, Section 2, Line 26, by inserting immediately after said line the following:

"Section B. Because of the need to protect Missouri's tobacco settlement proceeds and comply with the terms of the settlement agreement this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 346**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 257, regarding Lavern H. Daves, Silva, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Steve Oldfield and Scott Chulufas, Adrian.

Senator Rohrbach introduced to the Senate, Margaret Fisher, Margaret Ann Vieth, Scott, Lora and Kendal Ann Moore, Sarah and Haley Kristine Bemboom, Nicole Hodgins and Lisa Ann Vieth; and Kendal Ann and Haley Kristine were made honorary pages.

Senator Rohrbach introduced to the Senate, Ceil Abbott, Osage Beach.

Senator Rohrbach introduced to the Senate, his nephew, Jesse Rohrbach, Columbia; and Megan Luna, Branson.

Senator Yeckel introduced to the Senate, Kari Greathouse and ninety fifth grade students from Trautwein Elementary School, St. Louis; and Arianne Lose, Brittney Sanders, Clayton Greathouse and T.J. Benack were made honorary pages.

Senator Graves introduced to the Senate, Jerry Pye, Maryville; and W.C. Farmer, Rock Port.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 22, 1999.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 22, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: We thank You for this new day and week and pray that we will always trust You for the wisdom we need to make correct, moral decisions in our lives as well as those that affect the lives of others. And we pray that we may have a little of the love You have given us so that we might love others as You have first loved us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 18, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 258, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ernst Krattli, Jefferson City, which was adopted.

Senator Johnson offered Senate Resolution No. 259, regarding Dr. Ron Dittmore, St. Joseph, which was adopted.

Senator Schneider offered Senate Resolution No. 260, regarding Kurt John Kuhne, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 261, regarding John F. Herget, IV, St. Louis County, which was adopted.

Senator Schneider offered Senate Resolution No. 262, regarding the One Hundred Fifth Birthday of Mildred C. Graham, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 263, regarding Eugene Bernard Lickenbrock, III, Spanish Lake, which was adopted.

Senator Stoll offered Senate Resolution No. 264, regarding Marvin Byas, Chesterfield, which was adopted.

Senator Stoll offered Senate Resolution No. 265, regarding Ron Herrington, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 266, regarding Donald Byas, which was adopted.

Senator Stoll offered Senate Resolution No. 267, regarding Robert Cook, which was adopted.

Senator Stoll offered Senate Resolution No. 268, regarding Adam McCullough, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 269, regarding Pat Kozik, High Ridge, which was adopted.

Senator Stoll offered Senate Resolution No. 270, regarding Willa M. and Adam D. McCullough, Festus, which was adopted.

Senator Westfall offered Senate Resolution No. 271, regarding Kevin W. Reed, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 272, regarding Brent W. Breshears, Pittsburg, which was adopted.

Senator Westfall offered Senate Resolution No. 273, regarding Joshua Aaron Fitzwater, Bolivar, which was adopted.

Senator Kenney offered Senate Resolution No. 274, regarding Ryan Lee Soendker, Lee's Summit, which was adopted.

Senator Stoll offered Senate Resolution No. 275, regarding the 1950 and 1953 Douglass High School Track Team State Champions, which was adopted.

Senator Rohrbach offered Senate Resolution No. 276, regarding Corrections Officer I James Bott, which was adopted.

Senator Rohrbach offered Senate Resolution No. 277, regarding Corrections Officer III B. A. Ross, which was adopted.

Senator Rohrbach offered Senate Resolution No. 278, regarding Corrections Supervisor I Kenneth McDaniel, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 473-By Stoll.

An Act to repeal sections 116.060, 116.080, 116.090, 116.110, 116.120 and 116.140, RSMo 1994, and sections 116.030, 116.040, 116.100, 116.130 and 116.160, RSMo Supp. 1998, relating to initiative petitions, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 474-By Kinder.

An Act to repeal section 590.121, RSMo 1994, and to enact in lieu thereof one new section relating to training of canines to be used by peace officers.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John C. Hanneke, Democrat, 1522 Wild Goose Run, St. Charles, St. Charles County, Missouri 63303, as a public member of the Credit Union Commission, for a term ending February 18, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William J. Humpfer, Republican, 1557 Rose Gate Lane, Chesterfield, St. Louis County, Missouri 63017, as a member of the Credit Union Commission, for a term ending February 18, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sharon A. Ichord, Republican, 12376 Saline Lane, Plato, Texas County, Missouri 65552, as a member of the Credit Union Commission, for a term ending February 18, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia L. Jacobs-Macdonald, Democrat, 3511 Genessee Street, Kansas City, Jackson County, Missouri 64111, as a public member of the Credit Union Commission, for a term ending February 18, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary L. James, Democrat, 902 Bird Avenue, Harrisonville, Cass County, Missouri 64701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori J. Levine, Democrat, 7820 Northshore Drive, Hartsburg, Boone County, Missouri 65039, as a member of the Credit Union Commission, for a term ending February 18, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Sean McGinnis, Democrat, 1500 South Fairway Avenue, Springfield, Greene County, Missouri 65804, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, Fred Hall, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Connie H. Silverstein, Democrat, 222 Orrick Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Mary Gillespie, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cathy E. Stroud, Republican, 5518 South Kimbrough, Springfield, Greene County, Missouri 65810, as a member of the Credit Union Commission, for a term ending February 18, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 18, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darrell "Pat" Yokley, Democrat, 4025 Northeast Crimson, Lee's Summit, Jackson County, Missouri 64064, as a member of the Credit Union Commission, for a term ending February 18, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 370.061.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 414**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 205**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 205, Page 4, Section 226.525, Lines 22-24, by striking all of the boldfaced language from said lines.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 31** and

285; SB 294; and SB 184, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 163** be taken up for perfection, which motion prevailed.

Senator House offered **SS** for **SB 163**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 163

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to sexual education in public schools.

Senator House moved that **SS** for **SB 163** be adopted.

Senator Johnson assumed the Chair.

Senator Clay offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 163, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following:

"To repeal section 170.011, RSMo 1994, relating to instruction in public schools, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1-3, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Section 170.011, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 170.011 and 170.015, to read as follows:

170.011. 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions, **including the history of civil rights issues in America**, shall be given in all public and private schools in the state of Missouri, except privately operated trade schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil, who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance.

2. No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American institutions, **including the history of civil rights issues in America**. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions, **including the history of civil rights issues in America**, required hereby, transfers

to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.

3. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.

4. The state commissioner of education and the state commissioner of higher education shall make arrangements for carrying out the provisions of this section and prescribe a list of suitable texts adapted to the needs of the school grades and college courses, respectively.

5. The willful neglect of any superintendent, principal or teacher to observe and carry out the requirements of this section is sufficient cause for termination of his contract.

6. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education."

Senator Clay moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 163, Page 1, Section 170.011, Line 15, by adding after the word "America", the following: "including the role of the Democratic Party in maintaining Jim Crow laws in the American South".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 163, Page 1, Section 170.015, Lines 4-16 of said page, by striking all of said lines; and

Further amend said bill and section, page 2, lines 1-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

"170.015. 1. Course material and instruction for all courses that discuss human sexuality in public elementary and secondary schools shall be medically and factually accurate and should enhance student's understanding of sexuality as a normal and healthy aspect of human development. Such courses should be appropriate for the age of the students and incorporate the following guidelines:

(1) Be comprehensive;

(2) As an integral part of the health education curriculum, include information about responsible sexual

behaviors and hygienic practices that eliminate or reduce the risks of pregnancy, exposure to human immunodeficiency virus, hepatitis and other infectious or sexually transmitted diseases;

(3) Promote abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults as the safest, most responsible sexual behavior. Abstinence should be stressed but should not be taught to the exclusion of other material and instruction on contraceptive and disease reduction measures;

(4) Include a discussion of the possible emotional, physical and psychological consequences of pre-adolescent and adolescent sexual intercourse and the emotional, physical and psychological consequences of unintended pregnancy. Students should be provided with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy;

(5) Stress that sexually transmitted diseases are serious possible hazards of sexual contact. Students should be provided with the latest medically accurate information regarding the efficacy of contraceptives in preventing the spread of sexually transmitted diseases, including human immunodeficiency virus;

(6) Advise students of the laws pertaining to their financial responsibility for their children;

(7) Advise students of the circumstances in which it is unlawful, pursuant to sections 566.032 and 566.034, RSMo, for any person to have sexual relations with persons less than seventeen years of age to whom they are not married;"; and further amend line 17 of said page, by striking "(6)" and inserting in lieu thereof the following: "(8)"; and

Further amend said bill and section, page 3, line 2 of said page, by striking the semicolon ";" and inserting in lieu thereof a period "."; and further amend lines 3-7 of said page, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Maxwell assumed the Chair.

Senator Ehlmann offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 163, Page 2, Section 170.015, Line 1, by adding after the word "monogamous", the word: "heterosexual".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** to **SA 2** was withdrawn.

At the request of Senator House, **SB 163**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

President Pro Tem Quick assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 353**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 353, Page 2, Section 260.475, Line 45, by striking the numeral "2005" and inserting in lieu thereof the numeral "**2004**"; and

Further amend said bill, Page 4, Section 260.479, Line 70, by striking the numeral "2005" and inserting in lieu thereof the numeral "**2004**".

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 76**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 403**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay assumed the Chair.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 170**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 475-By Mathewson.

An Act to repeal section 135.235, RSMo 1994, and sections 135.225 and 135.230, RSMo Supp. 1998, relating to tax credits, and to enact in lieu thereof three new sections relating to the same subject.

SB 476-By Goode.

An Act to amend chapter 393, RSMo, by adding thereto twenty-three new sections relating to retail choice in electric service.

SB 477-By Ehlmann.

An Act to repeal section 191.656, RSMo Supp. 1998, relating to disclosure of HIV information, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 248**, entitled:

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 165**, entitled:

An Act to repeal section 556.061, RSMo 1994, relating to criminal code definitions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 359**, entitled:

An Act to repeal section 211.421, RSMo 1994, relating to endangering the welfare of a child, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 69**, entitled:

An Act to repeal section 570.030, RSMo Supp. 1998, relating to stealing, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 358**, entitled:

An Act to repeal section 191.659, RSMo 1994, and section 191.663, RSMo Supp. 1998, relating to HIV testing, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 183**, entitled:

An Act to repeal section 571.080, RSMo Supp. 1998, relating to the transfer of concealable firearms, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 434--Agriculture, Conservation, Parks and Tourism.

SB 435--Agriculture, Conservation, Parks and Tourism.

SB 436--Local Government and Economic Development.

SB 437--Ways and Means.

SB 438--Transportation.

SB 439--Education.

SB 440--Judiciary.

SB 441--Labor and Industrial Relations.

SB 442--Judiciary.

SB 443--Education.

SB 444--Financial and Governmental Organi-zation.

SB 445--Education.

SB 446--Commerce and Environment.

SB 447--Commerce and Environment.

SB 448--Public Health and Welfare.

SB 449--Ethics.

SB 450--Local Government and Economic Development.

SB 451--Civil and Criminal Jurisprudence.

SB 452--Education.

SB 453--Aging, Families and Mental Health.

SB 454--Local Government and Economic Development.

SB 455--Elections, Veterans' Affairs and Corrections.

SB 456--Financial and Governmental Organi-zation.

SB 457--Education.

SB 458--Insurance and Housing.

SB 459--Education.

SB 460--Education.

SB 461--Education.

SB 462--Civil and Criminal Jurisprudence.

SB 463--Local Government and Economic Development.

SB 464--Judiciary.

SB 465--Judiciary.

SB 466--Elections, Veterans' Affairs and Corrections.

SB 467--Pensions and General Laws.

SB 468--Insurance and Housing.

SB 469--Ways and Means.

SB 470--Aging, Families and Mental Health.

SB 471--Commerce and Environment.

SB 472--Education.

SJR 27--Elections, Veterans' Affairs and Corrections.

SJR 28--Local Government and Economic Development.

REFERRALS

President Pro Tem Quick referred **SB 184**, **SB 294** and **SB 136** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Mike Moroni, Advance.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 23, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We thank You for this new day and pray that we may ever keep our eyes upon Your uplifting Word, never letting modern techniques alter the facts of Your unchanging message of love for the world and service to the people of it. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Staples--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 279

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of

our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 20, 1999 from 9:00 A.M. to 3:00 P.M. and December 2, 3 and 4, 1999.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 280

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 7, 1999 and until 1:00 p.m. on October 8, 1999.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 478-By Singleton.

An Act to repeal section 317.001, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to health insurance for professional boxers.

SB 479-By Singleton.

An Act to repeal section 323.060, RSMo Supp. 1998, relating to petroleum gas retailers, and to enact in lieu thereof one new section relating to the same subject.

SB 480-By Singleton.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospital records.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 349**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SCS for **SBs 31** and **285**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 31 and 285

An Act to repeal sections 130.046, 130.050 and 130.057, RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SBs 31** and **285** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Staples--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Jacob	Mueller	Schneider	Singleton--4

Absent with leave--Senator Staples--1

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **SB 169** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SB 169** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Staples--1

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SB 28, introduced by Senator Mueller, entitled:

An Act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mueller, **SB 28** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Kinder Schneider--2

Absent with leave--Senator Staples--1

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 83, introduced by Senator Goode, entitled:

An Act to repeal section 67.1071, RSMo 1994, relating to the homeless, and to enact in lieu thereof one new section

relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 83** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Staples--1			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 105, with **SCA 1**, introduced by Senators Sims and Yeckel, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

Was called from the Consent Calendar and taken up by Senator Sims.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sims, **SB 105**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Staples--1			

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 159, with **SCS**, introduced by Senator House, entitled:

An Act to repeal section 135.600, RSMo Supp. 1998, relating to tax credit for contributions to maternity homes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 159

An Act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 159** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Staples--1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 219, introduced by Senator Caskey, entitled:

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight

line companies, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 219** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Singleton-- 1

Absent with leave--Senator Staples-- 1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 189, introduced by Senator House, entitled:

An Act to repeal sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children and minors.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 189** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Staples-- 1

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 34, introduced by Senator Johnson, entitled:

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 34** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Caskey	Kinder--2		
	Absent--Senator Singleton--1		
	Absent with leave--Senator Staples--1		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 289**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

At the request of Senator Goode, **SB 289**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

Senator Maxwell moved that **SB 160** and **SB 82**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 160** and **82**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 160 and 82

An Act to amend chapters 66 and 644, RSMo, by adding thereto four new sections relating to water resources, with an emergency clause for a certain section.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 160** and **82** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 160** and **82**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 160 AND 82

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof sixteen new sections relating to water and service services, with an emergency clause for a certain section.

Senator Maxwell moved that **SS** for **SCS** for **SBs 160** and **82** be adopted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 and 82, Page 14, Section 247.040, Line 15 of said page, by inserting immediately after said line the following:

- "249.645. 1. Any public sewer district created under the provisions of sections 249.430 to 249.660 **or established pursuant to article VI, section 30(a) of the Missouri Constitution** may establish, make and collect charges for sewage services, including tap-on fees. The charges may be set as a flat fee or based upon the amount of water supplied to the premises and shall be in addition to those charges which may be levied and collected for maintenance, repair and administration expenses as provided for in section 249.640. Any private water company, public water supply district, or municipality supplying water to the premises located within a sewer district shall, upon reasonable request, make available to such sewer district its records and books so that such sewer district may obtain therefrom such data as may be necessary to calculate the charges for sewer service. Prior to establishing any such sewer charges, public hearings shall be held thereon and at least thirty days' notice shall be given thereof.
2. Any charges made under this section shall be due at such time or times as specified by the county commission, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent, they shall be a lien upon the land charged, upon the county commission filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The county commission shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.
3. Should a lien be placed upon a customer's property by a public sewer district for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.
4. Should the sewer charges remain unpaid for a period in excess of [one year] **three months**, the district, after notice to the customer by certified mail, shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 160** and **82**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **SBs 160** and **82**, as amended, was declared perfected and ordered printed.

Senator Clay moved that **SB 282**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 282**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal section 135.530, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Clay moved that **SCS** for **SB 282** be adopted.

President Wilson assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 282, Page 4, Section 135.817, Line 11, by inserting immediately after the word "conveyed" the following: "**, subject to the terms and conditions prescribed in subdivisions (1) to (4) of this subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, may assign, transfer, sell or otherwise convey such tax credits:**

- (1) For no less than seventy-five percent of the par value of such credits;**
- (2) The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective day of the transfer, and shall provide any information as may be required by the department to administer and carry out the provisions of this section;**
- (3) The assignee may not have any financial interest in any contract with the assignor or in any firm which has a contract with the assignor relating to financing or providing services included in the eligible costs for new construction or the eligible costs for rehabilitation that give rise to any tax credit granted pursuant to section 135.814; and**
- (4) Notwithstanding any other provision of law to the contrary, the amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the par value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee".**

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 282, Page 3, Section 135.811, Line 37, by inserting after all of said line the following:

"135.812. 1. The department of economic development shall establish a rural housing development revolving loan program as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of 3 million dollars.

2. The program shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties.

3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

(1) The area in which the housing is intended to be constructed;

(2) A statement about the need for single family housing in such area;

(3) The time period required for constructing each home and making it available on the market;

(4) A list of the officers, with addresses and phone numbers, of the corporation;

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United

States Department of Agriculture, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

- (1) The home has been the primary home of the purchaser for a period of five years after the closing date; and**
- (2) The property has not been used as rental property for such five-year period."; and**

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Clay, **SB 282**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 481-By Childers and Russell.

An Act to repeal section 304.170, RSMo 1994, relating to length of certain vehicles, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

WHEREAS, there has been a recent influx of immigrants moving into the state of Missouri and such immigrants can affect the amount of state government services that are necessary and the ways state government services are administered; and

WHEREAS, such immigrants affect our state educational system by creating a need for programs to enhance language communication; and

WHEREAS, our local law enforcement agencies are faced with new difficulties in assisting residents in the understanding of, and in the abiding with, state and federal law; and

WHEREAS, many of the recent immigrants do not have adequate health care coverage which results in limited access, or no access, to health care; and

WHEREAS, this recent increase of persons with limited English speaking skills and different cultural backgrounds is having an impact on local communities and neighborhoods; and

WHEREAS, there is a recent increase in demand for social services benefits; and

WHEREAS, there are more demands on employment training programs for unskilled workers in our state:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Immigration in Missouri be created to study the effects of the recent trend in immigration and to make recommendations on how best to prepare for the impact of this trend; and

BE IT RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro tem of the Senate, with no more than three House members or three Senate members being from the same political party; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Quick referred **SB 310** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 281, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Pat Hemphill, Columbia, which was adopted.

Senator DePasco offered Senate Resolution No. 282, regarding the Thirty-fifth Anniversary of the New Hope Baptist Church, Independence, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 482-By Flotron.

An Act to repeal section 44.010, RSMo Supp. 1998, and to enact in lieu thereof eight new sections relating to information technology resources, with penalty provisions and an emergency clause.

THIRD READING OF SENATE BILLS

SB 4, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.402, RSMo Supp. 1998, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 4** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			

Banks
Schneider--5

Bland

Graves

Mathewson

Absent with leave--Senator Staples--1

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Clay moved that **SB 282**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 282**, as amended, was again taken up.

Senator Ehlmann offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 282, Page 2, Section 135.811, Line 17, by adding after the word "owner-occupied" the following: "for at least 5 years after the completion of the project"; and

Further amend said bill, page 4, line 14, by adding the following:

"The Department shall cause to be filed of record in the recorder's office of the county in which the property is located the agreement that the property shall be owner-occupied for at least 5 years and that, should said agreement be violated the state shall be reimbursed for the amount of the tax credit and a lien may be placed against the property for any amount owed but not paid.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 282, Page 3, Section 135.817, Lines 3-6, by deleting everything on said lines after the words "dollars" at the beginning of line 3.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 282, Page 1, Section 135.530, Line 6, by deleting the following: "[which has] **each block group having**"; and

Further amend said bill, page 1, section 135.530, line 7, by deleting the words: "which has" and inserting in lieu thereof the following: "[which has] **each block group having**"; and

Further amend said bill, page 4, section 135.817, line 11, by adding immediately after said line, the following:
"Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and its value."

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 282, Page 4, Section 135.821, Line 5, by deleting the words "applications were received" and inserting in lieu thereof the words "of the lowest level of median household income."

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Clay moved that **SCS** for **SB 282**, as amended, be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SB 282**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 266** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SS** for **SB 266**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 266

An Act to repeal section 451.022, RSMo Supp. 1998, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

Senator Klarich moved that **SS** for **SB 266** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Klarich, **SS** for **SB 266** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 14**, **SB 60** and **SB 69**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 14, 60** and **69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 14, 60 and 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Was taken up.

Senator Mathewson moved that **SCS** for **SBs 14, 60** and **69** be adopted.

Senators Mathewson, Bentley and Steelman offered **SS** for **SCS** for **SBs 14, 60** and **69**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 14, 60 AND 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Senator Mathewson moved that **SS** for **SCS** for **SBs 14, 60 and 69** be adopted.

Senator Mathewson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 and 69, Page 2, Section 135.760, Line 11, by inserting immediately after said line the following:

"3. The total aggregate tax credits authorized pursuant to subsection 1 of this section shall be limited to no more than twenty million dollars per tax year. The director of the department of revenue shall estimate the amount of such credits to be claimed for each tax year and shall pro-rate the amount of such credit for each taxpayer."

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Mathewson, **SA 1** was withdrawn.

At the request of Senator Mathewson, **SB 14, SB 60 and SB 69**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Banks moved that **SB 8** and **SB 173**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 8 and 173**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 8 and 173

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the department of health.

Was taken up.

Senator Banks moved that **SCS** for **SBs 8 and 173** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **SBs 8 and 173** was declared perfected and ordered printed.

Senator Scott moved that **SB 308** and **SB 314**, with **SCS**, be taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

SCS for **SBs 308 and 314**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 308 and 314

An Act to repeal sections 104.352, 104.354, 104.370 and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.401, 104.410, 104.420, 104.612 and 104.620, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof forty-two new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **SBs 308** and **314** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 308** and **314** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 14An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

Was taken up.

President Wilson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators

Kenney Yeckel--2

Absent--Senators--None

Absent with leave--Senator Staples--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 224** be taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 224, Page 2, Section 434.100, Line 21, by striking the word "or"; and further amend line 22, by inserting immediately after the word "agreements" the following: ";

(8) An agreement containing a party's promise to indemnify, defend or hold harmless another person, if the agreement also requires the party to obtain specified limits of insurance to insure the indemnity obligation and the party had the opportunity to recover the cost of the required insurance in its contract price; provided, however, that in such case the party's liability under the indemnity obligation shall be limited to the coverage and limits of the required insurance; or

(9) Railroads regulated by the Federal Railroad Administration".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 224**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 410**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 283, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Dowell, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Leeper, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 285, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billie D. Ford, Milan, which was adopted.

COMMUNICATIONS

Senator Jacob submitted the following:

February 23, 1999

Terry Spieler

Secretary, Missouri Senate

State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Rule #45, I respectfully request that Senate Bill 205 be removed from the Consent Calendar because it deals with controversial subject matter. I further request that Senate Bill 205 be returned to the Senate Committee on Transportation for further deliberation.

Your consideration of this request is greatly appreciated.

Sincerely,

/s/ Ken

Ken Jacob

State Senator

District #19

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Deanna Ferree, Nevada; and Scott Shellhorn, Stockton; and Deanna and Scott were made honorary pages.

Senator Mathewson introduced to the Senate, Landra Pummill, Sweet Springs; and Jorn Lorenzen, Hamburg, Germany; and Landra and Jorn were made honorary pages.

Senator Mathewson introduced to the Senate, Phyllis Domann, Sedalia.

Senator Bland introduced to the Senate, Ann Bodnar, Mable Washington, Lois Fitzpatrick and Alice Kitchen, Kansas City.

Senator Graves introduced to the Senate, Tonya Stallo and Becki Niemeier, Marceline.

Senator Rohrbach introduced to the Senate, Daniel Williams, California.

Senator Childers introduced to the Senate, Mark, Marina, Melissa, Jessica and Jason Bromley; Barry County.

Senator Howard introduced to the Senate, Doris Carpenter, Ellsinore; and Mary Fowler and Virginia Pierce, Poplar Bluff.

Senator Caskey introduced to the Senate, Johnny Harrelson and Chris Johnson, Calhoun; and Josh Fizer and Brandon Hamilton, Holden.

Senator Bentley introduced to the Senate, Dr. George Carson, Dr. Ron Phelps, Dr. Betty Gonyan and Dr. Leaman Jeslin, Springfield.

Senator Graves introduced to the Senate, Christine Harrelson, Milan.

Senator Maxwell introduced to the Senate, Dale Mudd, Steve Hobbs and Ben Given, Mexico; and Janna Mahan, Columbia.

Senator Westfall introduced to the Senate, Bruce Johnson, Anson Elliott, Tanya Kozer, Amber Hensley, Stefanie Eslinger, Stacey Perkins, John Kluthe and Ryan Persinger, Southwest Missouri State University.

Senator Westfall introduced to the Senate, Mr. and Mrs. Kenny Fleeman, Bolivar; and Jack Neill, Buffalo.

Senator Steelman introduced to the Senate, Alex Stemme, Hermann; Dan Arnsperger, Salisbury; and Kyle Malter, Malta Bend.

Senator Caskey introduced to the Senate, Wayne Seider and Tom Chandler, Butler.

Senator Howard introduced to the Senate, Jon Thompson, Dexter.

Senator Singleton introduced to the Senate, Doug Carnahan; and Jesse DeGouia, Jeff Denno, Rob Huffman, Tom Williams, Brad Toler, Patti Richardson, Janet Ferron, Paige White, Sherry Hull, Nicole Hollenberg, Aqueelah Jackson, Vanessa Copeland, Sarah Bradshaw, Bekah Little and Ron Mitchell, members of the Missouri Southern State College Student Senate.

Senator Sims introduced to the Senate, Joyce and Stephen Littlefield, David Smith and Rev. Stephen Lambin, St. Louis County.

Senator Caskey introduced to the Senate, Mr. and Mrs. Lewis Lincoln and Mr. and Mrs. Bernard Hopkins, Butler.

On motion of Senator Jacob, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 24, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Almighty God: Help us this day to have our spiritual house in order so that we will constantly be ready for Your "Day of Yahweh". And in so doing, that our lives may express and be conduits of Your love and comfort to those around us in need of such care and warmth. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	Absent with leave--Senator Staples--1		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Banks offered Senate Resolution No. 286, regarding Mr. Norman R. Seay, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 287, regarding Christopher Richard Myers, Arnold, which was adopted.

CONCURRENT RESOLUTIONS

Senator Johnson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, the Food Quality Protection Act of 1996 was signed into law on August 3, 1996, by President Clinton; and

WHEREAS, the Food Quality Protection Act establishes new safety standards that pesticides must meet to be newly registered or remain on the market; and

WHEREAS, the Food Quality Protection Act requires the Environmental Protection Agency to ensure that all pesticide tolerances meet these new Food Quality Protection Act standards by reassessing one-third of the 9,700 existing pesticide tolerances by August, 1999, and all existing tolerances in ten years; and

WHEREAS, the Food Quality Protection Act changes the types of information the Environmental Protection Agency is required to evaluate in the risk assessment process for establishing tolerances for pesticide residues in food and feed; and

WHEREAS, the Food Quality Protection Act was to assure that pesticide tolerances and policies are formulated in an open and transparent manner; and

WHEREAS, the Food Quality Protection Act further emphasizes the need for reliable information about the volume and types of pesticides being applied to individual crops and what residues can be anticipated on these crops; and

WHEREAS, risk estimates based on sound science and reliable, real-world data are essential to avoid misguided decisions, and the best way for the Environmental Protection Agency to obtain these data is to require data submission by the registrant through the data call-in process; and

WHEREAS, the implementation of the Food Quality Protection Act by the Environmental Protection Agency could have a profound negative impact on domestic agricultural production, and on consumer food prices and availability if products are removed from the market solely because of insufficient data; and

WHEREAS, the removal of these products will result in fewer pest control options for the United States and Missouri and could significantly disrupt successful integrated pest management programs which would be devastating to the economy of our state and jeopardize the very livelihood of many of our agricultural producers; and

WHEREAS, the removal of products because of a lack of information will result in fewer pest control options for urban and suburban uses, with potential losses of personal property, damage to valuable recreational areas and managed green space and increased human health concerns;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask that Congress direct the Environmental Protection Agency to immediately initiate appropriate public rulemaking to ensure that the policies, standards and procedures it intends to apply in reassessing existing pesticide tolerances are subject to public notice and comment prior to final tolerance determinations being made by the agency; and

BE IT FURTHER RESOLVED that the Environmental Protection Agency use sound science and real-world data from the data call-in process in establishing realistic models for evaluating risks; and

BE IT FURTHER RESOLVED that Congress direct the Environmental Protection Agency to implement the Food Quality Protection Act in a manner that will not disrupt agricultural production nor negatively impact the availability, diversity, and affordability of food, threaten public health or diminish the quality of valuable recreational areas and managed green spaces; and

BE IT FURTHER RESOLVED that Congress immediately conduct oversight hearings to ensure that actions by the Environmental Protection Agency are consistent with the Food Quality Protection Act provisions and Congressional intent; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation and to the administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 483-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for education.

SB 484-By Yeckel.

An Act to amend chapter 376, RSMo, by adding thereto four new sections relating to mandated health benefits.

SB 485-By Johnson.

An Act to repeal sections 266.021, 266.031, 266.051, 266.071, 266.076, 266.080, and 266.101, RSMo 1994, and section 266.091, RSMo Supp. 1998, relating to the Missouri seed law, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an effective date.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 308** and **314**; **SS** for **SB 266**; **SB 224**; and **SCS** for **SBs 8** and **173**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 360, introduced by Senator Maxwell, entitled:

An Act to repeal sections 455.067 and 455.083, RSMo Supp. 1998, relating to interstate orders of protection, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 360** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Flotron	Johnson--2		
Absent with leave--Senators			
Jacob	Staples--2		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 237, introduced by Senator Klarich, entitled:

An Act to repeal section 211.421, RSMo 1994, relating to endangering the welfare of a child, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 237** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Jacob	Staples--2		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

President Pro Tem Quick assumed the Chair.

SB 234, with **SCS**, introduced by Senator Stoll, entitled:

An Act to amend chapter 286, RSMo, by adding thereto one new section relating to the department of labor and industrial relations, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 234**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 234

An Act to amend chapter 286, RSMo, by adding thereto one new section relating to the department of labor and industrial relations, with an emergency clause.

Was taken up.

Senator Stoll moved that **SCS** for **SB 234** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 234** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey

Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators
Howard	Kinder--2
	Absent--Senator Clay--1
	Absent with leave--Senators
Jacob	Staples--2

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Kinder--1		
	Absent--Senators--None		
	Absent with leave--Senators		
Jacob	Staples--2		

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 218, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 174.450 and 174.453, RSMo 1994, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 218**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 218

An Act to repeal sections 174.450 and 174.453, RSMo 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 218** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Howard--1			
Absent with leave--Senators			
Jacob	Staples--2		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SB 275, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 56.755, RSMo 1994, and section 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 275**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 275

An Act to repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 275** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 275** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators	
Johnson	Schneider--2
Absent with leave--Senators	
Jacob	Staples--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 175, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 443.851, RSMo Supp. 1998, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 175**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 175

An Act to repeal section 443.851, RSMo Supp. 1998, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 175** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 175** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman

Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Banks	Bland--2		
	Absent--Senators		
Bentley	Scott--2		
	Absent with leave--Senators		
Jacob	Staples--2		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Graves offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 288

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize a select group of remarkable athletes who have enjoyed considerable success through steadfast commitment to the highest standards of excellence; and

WHEREAS, the members of the Northwest Missouri State University (NWMSU) Bearcats Football Team in Maryville, Missouri, distinguished themselves as they took First Place in the National Collegiate Athletic Association Division II National Championships held December 12, 1998, at Braly Municipal Stadium in Florence, Alabama; and

WHEREAS, the talented Bearcats were victorious over the Carson-Newman team in an exciting game during which they gave more than 3,000 fans from Maryville reason to cheer as team play ended in their favor with an impressive final score of 24-6; and

WHEREAS, the Bearcats could not have attained such incredible success this season without the exemplary leadership and guidance provided by Head Coach Mel Tjeerdsma and Assistant Coaches Scott Bostwick, Jim Svoboda, Jon Gustafson, and Bart Tatum, each of whom has instilled the important values of teamwork and sportsmanship within all their outstanding players; and

WHEREAS, few athletes possess the tremendous prowess displayed by the members of the NWMSU Bearcat team that includes twenty-three MIAA Academic Honor Roll students and six players who have earned distinction as members of the Daktronics/CoSIDA All-America football team; and

WHEREAS, 1998 marked the end of an historic season for the Bearcats, during which they led the nation in points scored this year, set the record for points scored in the season (510) for the conference, and finished their regular and play-off season with an overall record of 15-0; and

WHEREAS, fellow students, faculty and staff of Northwest Missouri State University, and the entire Maryville community are exceedingly proud of the National Champion Bearcats for their impressive display of teamwork while aspiring towards incredible goals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most robust congratulations to the 1998-1999 Northwest Missouri State University Bearcats football team at this proud moment of national acclaim and well-deserved distinction, and further extend to them our very best wishes as they continue to maintain their high standards for achievement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Northwest Missouri State University.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SJR 25** be taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Rohrbach, **SJR 25** was declared perfected and ordered printed.

SB 22 was placed on the Informal Calendar.

Senator Maxwell moved that **SB 95** be taken up for perfection, which motion prevailed.

On motion of Senator Maxwell, **SB 95** was declared perfected and ordered printed.

Senator Maxwell moved that **SB 309** be taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 309, Page 1, Section 43.050, Line 6, by inserting after the word "necessary" on said line the following: "but shall maintain the same ratio of patrolmen to supervisory personnel as existed on January 1, 1999".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 309, Page 1, Section 43.050, Line 16, by striking the opening bracket "["; and

Further amend said bill and section, page 2, line 19, by striking the closing bracket "]".

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Maxwell, **SB 309**, with **SA 2** (pending), was placed on the Informal Calendar.

Senator DePasco moved that **SB 240**, **SB 226** and **SB 229**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 240, 226** and **229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 240, 226 and 229

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 240, 226** and **229** be adopted.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 240, 226 and 229, Page 3, Section 67.1366, Line 50, by

inserting after all of said line the following:

"5. Nothing contained herein shall be construed to limit the power of a constitutional charter city in a noncharter county from imposing a business license tax on hotels, motels, bed and breakfast inns and campgrounds upon such terms, conditions and procedures as set forth in its own charter or ordinances."

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator DePasco moved that **SCS** for **SBs 240, 226 and 229**, as amended, be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **SBs 240, 226 and 229**, as amended, was declared perfected and ordered printed.

SB 180 was placed on the Informal Calendar.

Senator Mathewson moved that **SB 81** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 81** was declared perfected and ordered printed.

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Sims offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

"82.210. No action shall be maintained against any city of this state [which now has or may hereafter attain a population of one hundred thousand inhabitants,] on account of any injuries growing out of any defect in the condition of any bridge, boulevard, street, sidewalk or thoroughfare in said city, until notice shall first have been given in writing to the mayor of said city, within ninety days of the occurrence for which such damage is claimed, stating the place where, the time when such injury was received, and the character and circumstances of the injury, and that the person so injured will claim damages therefor from such city."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, Line 8 of said amendment, by striking "ninety days" and substitute "one year".

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Childers requested a roll call vote be taken on the adoption of **SA 1** to **SA 4** and was joined in his request by Senators Kinder, Russell, Sims and Westfall.

SA 1 to **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	DePasco
House	Howard	Jacob	Maxwell
Quick	Schneider	Scott	Stoll
Wiggins--13			
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Goode	Graves	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall	Yeckel--19	
Absent--Senator Clay--1			
Absent with leave--Senator Staples--1			

Senator Schneider offered **SA 2** to **SA 4**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, Line 8 of said amendment, by striking "ninety days" and insert "one hundred and eighty days".

Senator Schneider moved that the above amendment be adopted.

Senator Childers requested a roll call vote be taken on the adoption of **SA 2** to **SA 4** and was joined in his request by Senators Sims, Bentley, Kenney and Singleton.

SA 2 to **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	DePasco
Goode	House	Howard	Jacob
Mathewson	Maxwell	Quick	Schneider
Scott	Singleton	Stoll	Wiggins--16
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Johnson	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Sims	Steelman	Westfall	Yeckel--16
Absent--Senator Clay--1			
Absent with leave--Senator Staples--1			

Senator Schneider offered **SA 3** to **SA 4**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, Line 8, by striking "ninety" and insert "one hundred and thirty-five".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Johnson, Kenney and Mathewson.

SA 3 to **SA 4** was adopted by the following vote:

YEAS--Senators

Bland	Caskey	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Schneider
Scott	Singleton	Steelman	Stoll
Wiggins--17			

NAYS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Westfall	Yeckel--14		

Absent--Senators

Banks	Clay--2
	Absent with leave--Senator Staples--1

SA 4, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.610, Lines 42, by adding after said line the following:

"7. Notwithstanding any other provisions of 537.600 to 537.650 the rules of joint and several liability as set out in 537.067 shall not apply to housing authorities established pursuant to sections 99.010 to 99.230 on claims within the scope of sections 537.600 to 537.650 but such housing authorities shall be liable only for any amount apportioned to them and directly attributable to them."

Senator Scott moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS** and **SA 5** (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 486-By Westfall and Bentley.

An Act to repeal sections 290.210 and 290.230, RSMo 1994, relating to the prevailing wage, and to enact in lieu thereof two new sections relating to the same subject.

SB 487-By Graves.

An Act to repeal section 304.180, RSMo 1994, relating to weight and size restrictions for motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

SB 488-By Ehlmann.

An Act to repeal sections 163.191, 178.780 and 178.870, RSMo 1994, relating to state aid to junior college districts, and to enact in lieu thereof four new sections relating to the same subject.

SB 489-By Ehlmann.

An Act to repeal section 138.430, RSMo 1994, and section 137.016, RSMo Supp. 1998, relating to the classification of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 490-By Banks.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to homestead exemption for certain persons, with an effective date.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 76**, entitled:

An Act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 369**, entitled:

An Act to repeal section 33.170, RSMo 1994, relating to claims and warrants for certain appropriations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 275**, entitled:

An Act to repeal section 473.737, RSMo 1994, relating to public administrators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 450**, entitled:

An Act to repeal section 644.509, RSMo Supp. 1998, relating to authorization of additional state bonds, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 107**, entitled:

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to water service lines in certain municipalities and counties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 321** and **493**, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055, 174.450, 174.453, 174.610 and 175.020, RSMo Supp. 1998, relating to the governing boards of certain institutions of higher education, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 160** and **82**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SBs 160** and **82**; **SCS** for **SBs 308** and **314**; and **SCS** for **SBs 8** and **173** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 289, regarding Stephen James Schicker, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 290, regarding Michael David Schicker, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 291, regarding Andrew Vernon "Drew" Foss, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 292, regarding Timothy Lee Schickles, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 293, regarding Camron Lee "Cam" Hoorfar, Lee's Summit, which was adopted.

Senator Clay offered Senate Resolution No. 294, regarding Ralph Nader, which was adopted.

Senator Bentley offered Senate Resolution No. 295, regarding "Parent/Principal Meetings" at Walt Disney Elementary School, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 296, regarding Bailey's Greenhouse Program at Bailey Alternative High School, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 297, regarding the Central Advantage and Competitive Edge programs at Central High School, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, Osceola; and Amaury Perez, Dominican Republic.

Senator Mueller introduced to the Senate, Evelyn Donohoo and students from Nerix Hall High School, St. Louis.

Senator Childers introduced to the Senate, Jack Altermatt and Jeremy S. Burks, Mountain View.

Senator Russell introduced to the Senate, Fred Lutz and Sandy Crawford, Buffalo.

On behalf of Senator Wiggins, the President introduced to the Senate, Steve Unwin, Joe Bianco, Tim Brewer, John Cullinan, Bill Jackson, John Roseburrough and members of the St. Elizabeth Boy Scout Troop: Bill Unwin, Patrick

Lancey, Patrick Storm, Peter Brewer, Nathan Hynes, Adam Burkhart, Mark Jackson, Vincent Ward, Jack Hodes, Andy Bianco, Sam Tapko, Ethan Struby, Patrick Cullinan, Matt Jenkins, Ben Roseburrough, Mark Owen and Max Hanger, Kansas City; and the Scouts were made honorary pages.

On behalf of Senator Maxwell and himself, Senator Klarich introduced to the Senate, Dick McWard, St. Louis.

Senator Bentley introduced to the Senate, members of the MSMA Alliance from around the state.

On behalf of Senator Wiggins, the President introduced to the Senate, Mr. and Mrs. Leonard Jones, and their daughter, Janee, Homeschoolers from Kansas City; and Janee was made an honorary page.

Senator Klarich introduced to the Senate, Reinhard and Mary Rose Schuster, and their daughter, Ashley, Chesterfield; and Ashley was made an honorary page.

Senator DePasco introduced to the Senate, Susan Belger, Jeanne Sosland, Carolyn Fitzgerald, Susan Forman, Lynne O'Connell, Sharon Portwood, Tina Redden, Stacy Shaleen, Stefanie Stracke, Sarah Reid, Jill Shipman DeHardt and Lisa Stubbendick, members of the Junior League of Kansas City.

Senator Johnson introduced to the Senate, Monica Bolin, Candace Allison and Christina Lund, members of the Junior League of St. Joseph.

Senator Sims introduced to the Senate, Dena Ladd, Patty Hofer, Gretchen Heinlein-Wilson, Jodi Luetkemeyer, Tyann Proffer, Jeannine Citerman-Kraeger, Melissa Jayward, Gretchen Davis, Angela Montgomery, Kim Marie Evans, Andrea Niemeyer, Stephanie Huff, Kimberly Miller, Pat Seeler, Stephanie Wollard, Audrey Jones, Midge Crider, Anne Rosenberg, Ruth Edward, Terri McGruder, Jenifer Corbin and Staci Wren, members of the Junior League of St. Louis.

Senator Bentley introduced to the Senate, Margaret Duncan and Susan Reid, Springfield.

Senator Bentley introduced to the Senate, Ron and Stacey Blunt, Holly Hedeman, Amy Landon and Claire Wimer, Overland Park, Kansas.

Senator Bentley introduced to the Senate, Dr. and Mrs. Bucky Buckner, and their children, Jake, Christina and John, Springfield.

Senator Maxwell introduced to the Senate, fourth, fifth and sixth grade students from Missouri Military Academy, Mexico.

Senator Graves introduced to the Senate, Dr. James Redd, Athletic Director, Mel Tjeerdsma, Head Football Coach, players and coaches of the Northwest Missouri State University Bearcats Football Team.

Senator Johnson introduced to the Senate, Steve Brown, St. Martins; Terry Heiman, Russellville; Shirley Kueker, Sweet Springs; and Emily Wood, Shelbyville.

Senator Childers introduced to the Senate, Eric Roller, Seligman.

Senator Russell introduced to the Senate, Brad Shockley, Buffalo.

Senator Stoll introduced to the Senate, Ben Martin, Lonedell.

Senator Steelman introduced to the Senate, Tiffany Rouse, Houston.

Senator Mathewson introduced to the Senate, Douglas Kueker, Sweet Springs.

Senator Howard introduced to the Senate, Charles W. Kinsey, Poplar Bluff.

Senator Westfall introduced to the Senate, Melody Higginbotham, Greenfield; and Terry Shepherd, Aurora.

Senator Graves introduced to the Senate, Amy Sullivan, Cameron; and Amanda Hofmann, Eagleville.

Senator Maxwell introduced to the Senate, Joshlin Yoder, Leonard.

Senator Caskey introduced to the Senate, Garrett Hawkins, Appleton City.

On behalf of Senator Kinder, Senator Johnson introduced to the Senate, Nicholas Rausch, Perryville.

Senator Mueller introduced to the Senate, Stacey Zylka and Erin Maille, St. Louis; and Stacey and Erin were made honorary pages.

Senator Mathewson introduced to the Senate, Cadet Nicholas Brendes, Cadet Josh Porter and Lt. Colonel Bob Kennedy, Lexington.

Senator Caskey introduced to the Senate, Jim Landon, John Culp and Joy Rushing, Warrensburg.

Senator Steelman introduced to the Senate, members of the Steelville Chapter of the Future Business Leaders of America.

Senator Russell introduced to the Senate, Dale Nelson and Gary Naylor, Dallas County.

Senator Childers introduced to the Senate, Bill Atchison, Richard Brunkin, Mary Gandy, John Hedrick, Ester Hollars, Mike McCullough, Lee Young, Sue Chase, Joe Latz and Robert Brimm, Stone County.

Senator Graves introduced to the Senate, Martha Gragg, Milan.

Senator Stoll introduced to the Senate, Dr. Tony Casey, Herculaneum.

Senator Bentley introduced to the Senate, Bryan, Toni, Lauren, Michael, Evan and Megan Hawkins, and Shawn Morrison, Springfield.

Senator Kenney introduced to the Senate, John Smith, Lee's Summit.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 25, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: We appreciate Your providing us with work that is important and gives us meaning in what we are about as we finish up another week of service to the people of this State. Give Your angels charge over us, we pray, to watch us in all our ways and to be with us wherever we go. Give us eyes, Oh Lord, to see Your goodness; feet to follow where You lead; and hearts purely dedicated to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Staples--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 298, regarding the death of Salvatore P. "Sam" LeVota, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 299, regarding the death of Ronald G. Atcheson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 300, regarding the death of James W. "Jim" Jones, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 301, regarding the death of Kenneth William Kufahl, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 302, regarding the death of Julia L. Kelly, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 303, regarding the death of Margaret "Maggie" O'Connell Fitzgerald, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 304, regarding the death of Carol J. Scott, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 305, regarding the death of Mary Elizabeth Weeks, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 491-By Mueller.

An Act to repeal section 303.190, RSMo 1994, relating to motor vehicle financial responsibility law, and to enact in lieu thereof one new section relating to the same subject.

SB 492-By Stoll.

An Act to repeal sections 700.015, 700.025, 700.045 and 700.050, RSMo 1994, relating to manufactured homes, and to enact in lieu thereof four new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 135**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 302**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 282**; **SCS** for **SBs 240, 226 and 229**; **SB 95**; **SB 81**; and **SJR 25**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 379**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 379, Page 2, Section 192.653, Line 13, by inserting immediately after all of said line the following:

"4. If a facility described in subsection 1 of this section is already submitting reports of cases to the department of health through a centralized reporting system, duplicate reporting shall not be required."

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 335**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 339**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 405**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 338**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SJR 23**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Quick submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 205**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 205, Page 4, Section 226.525, Lines 22-24, by striking all of the boldfaced language from said lines.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 70**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 209**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 209, Page 2, Section 144.853, Line 7, by inserting immediately after the word "services" the following: "**or rural electric cooperative under chapter 394, RSMo**"; and

Further amend said bill, Page 3, Section 144.856, Line 11, by striking the word "Distributors" and inserting in lieu

thereof the following: "**Electrical and gas corporations**"; and

Further amend said bill, page 6, section 393.299, line 13, by striking the word "Distributors" and inserting in lieu thereof the following: "**Electrical and gas corporations**"; and

Further amend said bill and section, page 7, line 29, by striking the word "Distributors" and inserting in lieu thereof the following: "**Electrical and gas corporations**".

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 179, Page 1, In the Title, Line 2, by striking "eleven" and inserting in lieu thereof "twelve"; and

Further amend said bill, section A, line 1, by striking "eleven" and inserting in lieu thereof "twelve" and further amend section A, by striking "and 327.395" and inserting in lieu thereof: ", 327.395 and 1"; and

Further amend said bill, section 327.395, page 6, line 17, by inserting after all of said line the following:

"Section 1. The requirements of chapter 290, RSMo, to the contrary notwithstanding, the prevailing wage provisions of sections 290.210 to 290.340, RSMo, shall not apply to the remodeling of any building leased by the office of administration."

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Quick referred **SCR 16** and **HCR 10** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SCS** for **SB 282**, **SJR 25** and **SB 95** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SB 329, introduced by Senator Jacob, entitled:

An Act relating to dissolution of marriage.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 329** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kinder	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Steelman

Stoll	Wiggins	Yeckel--23	
	NAYS--Senators		
Caskey	Childers	Flotron	Graves
Kenney	Klarich	Russell	Singleton
Westfall--9			
	Absent--Senator Bland--1		
	Absent with leave--Senator Staples--1		

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 357, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to authorize the conveyance of various land rights in certain state park property.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 357**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator Staples--1		

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 22** be called from the Informal Calendar and taken up for perfection, which motion

prevailed.

Senator Flotron offered **SS** for **SB 22**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 22

An Act to repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1998, relating to tax relief for children and families, and to enact in lieu thereof four new sections relating to the same subject, with an effective date for a certain section.

Senator Flotron moved that **SS** for **SB 22** be adopted.

Senator Singleton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 22, Page 10, Section 135.630, Line 6, by adding immediately after said line, the following:

"Section 1. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department of revenue specifying the name and address of the new owner of the tax credit and its value."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **SS** for **SB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Flotron, **SS** for **SB 22**, as amended, was declared perfected and ordered printed.

Senator Johnson moved that **SB 180** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Johnson, **SB 180** was declared perfected and ordered printed.

Senator Schneider moved that **SB 295** and **SB 46**, with **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

SA 5 was again taken up.

Senator Scott moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Bentley, Howard, Schneider and Scott.

SA 5 failed of adoption by the following vote:

YEAS--Senators

Childers	DePasco	Flotron	Graves
Johnson	Kenney	Kinder	Mathewson
Mueller	Rohrbach	Scott	Singleton--12

	NAYS--Senators		
Bentley	Bland	Caskey	Clay
Ehlmann	Goode	House	Howard
Klarich	Maxwell	Quick	Schneider
Steelman	Stoll	Wiggins	Yeckel--16
	Absent--Senators		
Banks	Sims--2		
	Absent with leave--Senators		
Jacob	Russell	Staples	Westfall--4

Senator Kenney offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.610, Line 42, by inserting immediately after all of said line the following:

"7. In order to maximize the amount of benefits to the injured party, when an award is made pursuant to this section, any amount included for reasonable and necessary medical expenses shall not be used in the calculation of an attorney's contingency fee in such case."

Senator Kenney moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.610, Line 42, by inserting immediately after all of said line the following:

"7. In order to maximize the amount of benefits to the injured party, for any award or settlement made pursuant to this section, a plaintiff's legal fees shall be limited to no more than thirty-five percent of the first one hundred thousand dollars awarded and twenty percent on any other amounts awarded."

Senator Kenney moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Mathewson, Rohrbach and Singleton.

SSA 1 for **SA 6** failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Flotron	Graves
Kenney	Kinder	Mueller	Rohrbach
Sims	Singleton--10		
	NAYS--Senators		
Bland	Caskey	Clay	DePasco
Ehlmann	Goode	House	Howard
Johnson	Klarich	Mathewson	Maxwell
Schneider	Scott	Steelman	Stoll
Wiggins	Yeckel--18		

	Absent--Senators		
Banks	Quick--2		
	Absent with leave--Senators		
Jacob	Russell	Staples	Westfall--4

SA 6 was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Mathewson moved that **SB 14**, **SB 60** and **SB 69**, with **SCS**, and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 14, 60** and **69** was again taken up.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 and 69, Page 1, Section 135.760, Line 6, by striking the word "total" on said line and inserting in lieu thereof the word "**net**"; and

Further amend said substitute, page and section, line 8, by inserting after the comma "," the following: "**with the net amount being determined by taking the total amount spent on purchasing prescription drugs during the calendar year for which the tax return is being filed.**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SCS** for **SBs 14, 60** and **69**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **SBs 14, 60** and **69**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 493-By Kenney.

An Act to repeal section 191.227, RSMo 1994, and section 191.233, RSMo Supp. 1998, relating to medical records, and to enact in lieu thereof one new section relating to the same subject.

SB 494-By Childers.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to funding for wastewater treatment projects, with penalty provisions.

SB 495-By Goode.

An Act to repeal section 660.122, RSMo Supp. 1998, relating to energy assistance programs, and to enact in lieu thereof one new section relating to the same subject.

SB 496-By Wiggins.

An Act to amend chapter 358, RSMo, by adding thereto sixty-seven new sections relating to uniform partnership law, with an effective date.

SB 497-By Ehlmann.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for donations to scholarship charities.

SB 498-By Wiggins.

An Act to repeal section 210.173, RSMo 1994, and section 301.463, RSMo Supp. 1998, relating to motor vehicle license plates for the children's trust fund, and to enact in lieu thereof two new sections relating to the same subject.

SJR 29-By Caskey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article I of the Constitution of Missouri relating to criminal cases, and adopting one new section in lieu thereof relating to the same subject.

RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 306

WHEREAS, the Missouri Senate is very proud of the diverse heritage and landscape which make up this fine state and always welcomes the opportunity to acknowledge milestone contemporary events which continue to enhance this region's history; and

WHEREAS, on March 3, 1999, the residents of McDonald County will initiate the Sesquicentennial Celebration of their county's founding which was established by an act of the Missouri Legislature on March 3, 1849, after an initial land survey by Nathan Richardson; and

WHEREAS, originally called "Seneca" in 1847, McDonald County now carries the name of Sergeant Alexander McDonald, a soldier who distinguished himself as one of the heroes of the Revolutionary War; and

WHEREAS, located in the southwest corner of the state, McDonald County boasts a 1955 historic highway marker located in Southwest City which marks the border between Missouri, Arkansas, and Oklahoma, and which commemorates the only tricornered part of the state on dry land; and

WHEREAS, Rutledge was the first county seat, but due to some violent incidents the courts moved to the J.C. McKay home in Pineville which became the permanent county seat in 1857 with an official courthouse constructed soon thereafter; and

WHEREAS, McDonald County has enjoyed both fame and notoriety throughout much of its history which documents when the town of Indian Springs earned acclaim in the 1880s as a source of healing waters; the town of Splitlog became infamous as a source of "fool's gold"; Pineville was the 1938 setting for the production of Jesse James, a film that starred Henry Fonda, Randolph Scott, and Tyrone Power; the post office located in the town of Noel became a perennial favorite with holiday mailers for its stamp-cancellation postmark at Christmas time; and a 1961 dispute over the omission of the Elk River-Noel Playground area from the statewide vacation map brought an article of secession to the desk of Governor Dalton, an official proclamation from the General Assembly rejecting the motion to secede, and about a week of national media attention:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the history and citizens of McDonald County and to offer a word of congratulations as the County celebrates a century and a half as an important territorial division for local government in the great State of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to honor the 1999 Sesquicentennial Anniversary of McDonald County.

Senator Schneider offered Senate Resolution No. 307, regarding McCluer North High School, Florissant, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 274**, entitled:

An Act to repeal section 516.105, RSMo 1994, relating to statute of limitations for actions against health care providers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 888**, entitled:

An Act to repeal sections 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof six new sections relating to rural agricultural businesses, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 162**, entitled:

An Act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to unemployment insurance, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 191**, entitled:

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Steve Miller, Holden.

Senator Westfall introduced to the Senate, Mike and Rosemary Coffey, and their children, Elizabeth and Abigail, Homeschoolers from Cedar County.

Senator Childers introduced to the Senate, Bryan Fisher, Willow Springs.

Senator Kenney introduced to the Senate, Shannon, Robert and Rachael Beckett, Homeschoolers from Kansas City; and Robert and Rachael were made honorary pages.

Senator Wiggins introduced to the Senate, Bruce and Linda McGregor, and their children, Amber, Heather, Ian, Megan, Roy and Katherine, Homeschoolers from Grandview; and Amber, Heather, Ian and Megan were made honorary pages.

Senator Wiggins introduced to the Senate, Ron and Teresa Freeman, and their children, Dacia, Joshua, Caleb and Aubree, Homeschoolers from Grandview; and Dacia, Joshua and Caleb were made honorary pages.

Senator Westfall introduced to the Senate, Matt Price, Sara Miller and Keri Albright.

Senator Rohrbach introduced to the Senate, the Knipker, Walker, Blankenship, Lehman, Farley, Street and Davis families, Homeschoolers from Moniteau County.

Senator Wiggins introduced to the Senate, Chloe, Hannah, Elijah and Esther Maddux, Home-schoolers from Kansas City; and Chloe, Hannah, Elijah and Esther were made honorary pages.

Senator Graves introduced to the Senate, the Physician of the Day, Dr. James Humphrey, M.D., Mound City.

Senator Yeckel introduced to the Senate, fifty-five fourth grade students from Kennerly Elementary School, St. Louis; and Nikola Filipi, Austin Brodwater, Jaclyn Malke and Patrick McKenna were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 1, 1999.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, MARCH 1, 1999

The Senate met pursuant to adjournment.

President Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful God: We are thankful for this marvelous day You have bestowed on us and the appreciation we have as we arrive to begin another week of work and learning and the sharing with one another the varied responsibilities we have been given. Guide our steps and thoughts this week by Your Holy Spirit as we watch in solemn wonder, beholding the great love You have shown us. In Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 25, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators	
Banks	Bland--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 308, regarding Jack Albertson, California, which was adopted.

Senator Steelman offered Senate Resolution No. 309, regarding Sue Eudaly, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 310, regarding Bob McKune, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 311, regarding Dr. William "Bill" Moorkamp, Rolla, which was adopted.

Senator Howard offered Senate Resolution No. 312, regarding the One Hundred Fiftieth Anniversary of Butler County, which was adopted.

Senator Quick offered Senate Resolution No. 313, regarding Daniel Higgins, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 314, regarding Keith Lee Rinne, Kearney, which was adopted.

Senator Schneider offered Senate Resolution No. 315, regarding Ruthie Sprague, Manchester, which was adopted.

Senators Quick, Howard, Wiggins, Rohrbach and Childers offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 316

WHEREAS, the members of the Missouri Senate are truly proud of the outstanding role that Show-Me State fire fighters have fulfilled in protecting the lives and property of their fellow citizens; and

WHEREAS, the state of Missouri is fortunate to be served by more than 30,000 career and volunteer fire fighters who meet their responsibilities with exemplary efforts that are channeled through more than nine hundred organized fire departments; and

WHEREAS, one of the most dangerous vocations in the country, fire fighting demands constant vigilance on the part of fire fighters who daily imperil themselves in the pursuit of the protection of others and their property; and

WHEREAS, many of this state's fire fighters have made the ultimate sacrifice by giving their lives in the performance of their duties as they unselfishly place themselves in harm's way in order to successfully preserve those they are called upon to protect from the perils of flame and smoke; and

WHEREAS, to honor those who have died in the line of duty, the Fire Fighters Association of Missouri has embarked upon a campaign to raise the funds necessary to establish a memorial and museum to capture the past, present, and future spirit of the fire service; and

WHEREAS, to be erected at the centrally-located intersection of U.S. 54 and Interstate 70 in Kingdom City, the memorial will consist of a personalized brick walkway leading to a memorial statue of a grieving fire fighter in protective clothing kneeling atop a base inscribed with the Fire Fighters Prayer; and

WHEREAS, scheduled to be completed by the spring of the year 2000, the Memorial will serve as the location of an annual memorial service to honor all fire fighters in the state and to acknowledge their dedication and professional service:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the work of the Fire Fighters Memorial Foundation of Missouri as it prepares the groundwork and follow-up required for an undertaking of this magnitude; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Fire Fighters Memorial Foundation of Missouri, as a measure of our respect for it and its memorial project.

Senators Quick, Howard, Wiggins, Caskey, Russell, Mathewson and Childers offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 317

WHEREAS, upon occasion the members of the Missouri Senate take pause from their legislative work in order to honor an individual who has brought glory to this fine state through career achievements that have been marked by competence, professionalism, diligence, and dedication; and

WHEREAS, born in St. Joseph, Missouri, on November 4, 1916, Walter Cronkite began his exemplary journalism career as a campus correspondent for the Houston Post during high school and his freshman year at the University of Texas; and

WHEREAS, Walter Cronkite enjoyed a reputation for honesty, objectivity, superb research, and unflappability in the face of danger throughout his more than sixty years in journalism which continues even today as a consultant in association with his son Chip's documentary production company, Cronkite Productions, Incorporated, and assignments as a special correspondent for CBS, with which he has been affiliated for more than forty-eight years; and

WHEREAS, Walter Cronkite joined CBS News in Washington as a correspondent in 1950 and went on to serve as anchorman and managing editor of the CBS Evening News for nineteen years; and

WHEREAS, Walter Cronkite has served as a journalist in a variety of venues including that of a sports announcer for an Oklahoma City radio station, correspondent and bureau chief with United Press for eleven years, and broadcast journalist with CBS, PBS, The Discovery Channel, syndication, and others; and

WHEREAS, a close-at-hand World War II correspondent, Walter Cronkite chronicled nearly every major news story of the second half of the twentieth century including the Cold War, Viet Nam, the hostage crisis of Tehran, this nation's Bicentennial, Watergate, assassinations, space exploration, and the individuals and world leaders closely associated with those events; and

WHEREAS, with the dedication and induction of his bronze bust into the Hall of Famous Missourians, Walter Cronkite joins an illustrious group of native Missourians chosen for the enormity of contributions to their respective fields such as Emmett Kelly, Sr.; Harry S Truman; George Washington Carver; Mark Twain; Charlie "Bird" Parker; Walter Elias Disney; Generals John J. Pershing and Omar N. Bradley; Thomas Hart Benton; and others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the life and work of Walter Cronkite upon his well-deserved induction into the Hall of Famous Missourians on Monday, March 8, 1999; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to honor Walter Cronkite and to express our unwavering esteem for him.

Senator Yeckel offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 318

WHEREAS, Major General Paul A. Weaver, Jr., Director of the Air National Guard, has designated 1999 as "The Year Of The Enlisted Force" for the enlisted men and women of the Missouri Air National Guard; and

WHEREAS, in the course of the past fifty years, the enlisted men and women of the Missouri Air National Guard supported the missions during the Korean Conflict, Berlin Airlift, Vietnam Conflict, Desert Shield, Desert Storm, and peacekeeping missions in support of the United Nations; and

WHEREAS, in the last five years, Missouri enlisted personnel have served with honor, courage, and distinction in Saudi Arabia, Kuwait, Bosnia, Hungary, Honduras, Panama, Turkey, and in a host of other nations in peacekeeping or nation building roles to establish and maintain peace; and

WHEREAS, the proud and valorous efforts of the dedicated enlisted men and women of the Missouri Air National Guard have garnered over the years a number of impressive awards, including the Air National Guard Distinguished Flying Safety Award, Outstanding Unit Award, and Seven Air National Guard Outstanding Airman of the Year Awards; and

WHEREAS, the emphasis on charting the future, along with the establishment of solid attainable long-term goals by the senior enlisted leadership, ensures the viability of the Missouri Air National Guard well into the twenty-first century; and

WHEREAS, for the past half century, the enlisted men and women of the Missouri Air National Guard have continuously rendered outstanding unselfish service to the United States of America, the great State of Missouri, and the local community:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in commending and applauding the enlisted men and women of the Missouri Air National Guard during "The Year Of The Enlisted Force", in expressing gratitude for service rendered and sacrifices made, and in extending best wishes for continued success in meeting the challenges of tomorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Air National Guard.

Senator Staples offered Senate Resolution No. 319, regarding Charles Valentine "Val" Bates, Grand Exalted Ruler of the Benevolent and Protective Order of Elks of the U.S.A., which was adopted.

Senator Staples offered Senate Resolution No. 320, regarding Bonne Terre Elementary School, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 321

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on April 5, 1999.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 499-By Klarich.

An Act to authorize the director of the department of natural resources to grant an easement in Route 66 State Park in St. Louis County.

SB 500-By Westfall.

An Act to repeal section 301.191, RSMo Supp. 1998, relating to the inspection of homemade trailers, and to enact in lieu thereof one new section relating to the same subject.

SB 501-By Westfall.

An Act to repeal sections 302.171 and 302.181, RSMo Supp. 1998, relating to social security numbers on driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 502-By Howard.

An Act to repeal sections 348.407 and 348.408, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof two new sections relating to rural agricultural businesses.

SB 503-By Howard.

An Act to repeal sections 195.050, 337.015 and 338.010, RSMo 1994, and sections 195.010, 195.100, 195.110, 195.204 and 195.400, RSMo Supp. 1998, relating to psychologists, and to enact in lieu thereof nine new sections relating to the same subject.

SB 504-By Mueller.

An Act to repeal sections 355.561 and 355.596, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof two new sections relating to the same subject.

SB 505-By Wiggins.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo 1994, and section 452.490, RSMo Supp. 1998, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

SB 506-By Wiggins.

An Act to repeal sections 400.9-101, 400.9-102, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-201, 400.9-202, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-307, 400.9-308, 400.9-310, 400.9-311, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507 and 400.9-508, RSMo 1994, and sections 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-115, 400.9-116, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-309, 400.9-312, 400.9-313 and 400.9-402, RSMo Supp. 1998, relating to the uniform commercial code, and to enact in lieu thereof one hundred thirty-four new sections relating to the same subject, with an effective date.

SB 507-By Childers.

An Act to repeal section 277.020, RSMo Supp. 1998, relating to livestock, and to enact in lieu thereof two new sections relating to the same subject.

SB 508-By Johnson.

An Act to amend chapter 266, RSMo, by adding thereto four new sections relating to Missouri seed law, with an effective date.

SB 509-By Maxwell.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to tax benefits for commodity contributions.

SB 510-By Graves.

An Act to amend chapter 430, RSMo, by adding thereto ten new sections relating to agricultural production liens.

SB 511-By Graves.

An Act to authorize the annexation of state property into the City of Maryville.

SB 512-By Stoll.

An Act to repeal section 163.031 as enacted by house bills nos. 641 & 593 in the eighty-ninth general assembly, first regular session, and section 163.031 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, relating to state aid for public schools, and to enact in lieu thereof one new section relating to the same subject, with effective dates for certain sections.

SB 513-By Bland and DePasco.

An Act relating to screening for hearing loss in newborns.

SB 514-By Bland.

An Act to repeal section 630.405, RSMo Supp. 1998, relating to mental health patient services, and to enact in lieu thereof one new section relating to the same subject.

SB 515-By Bland.

An Act to repeal sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, relating to certain health practitioners, and to enact in lieu thereof six new sections relating to the same subject.

SB 516-By Bland.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to right of access by a landlord to a lessee's premises.

SB 517-By Bland.

An Act to repeal sections 354.430 and 354.535, RSMo Supp. 1998, relating to health maintenance organizations, and to enact in lieu thereof two new sections relating to the same subject.

SB 518-By Staples.

An Act to repeal section 67.1300, RSMo Supp. 1998, relating to sales tax for economic development, and to enact in lieu thereof one new section relating to the same subject.

SB 519-By Banks.

An Act to repeal section 167.181, RSMo Supp. 1998, relating to immunization, and to enact in lieu thereof one new section relating to the same subject.

SB 520-By Banks.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to criminal records.

SB 521-By Banks.

An Act to repeal section 191.825, RSMo 1994, relating to the joint committee on health care policy and planning, and to enact in lieu thereof one new section relating to the same subject.

SB 522-By Rohrbach.

An Act to repeal sections 570.010 and 570.130, RSMo 1994, relating to debit services, and to enact in lieu thereof two new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 433**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 362**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 177**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 456**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 460**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 320** and **SB 445**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 201**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 201, Page 1, Section 91.030, Line 14, by inserting immediately after "village" the following: "**unless said non-resident is already being supplied gas from an existing gas utility or city, town or village at the time of entry into the marketplace by the municipal gas distribution system. Distribution to non-residents under this section shall be considered a proprietary function**".

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 426**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 180**; **SS** for **SCS** for **SBs 14, 60 and 69**; and **SS** for **SB 22**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 184**, **SB 310** and **SB 136**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 184, introduced by Senator Staples, entitled:

An Act to repeal section 186.060, RSMo Supp. 1998, relating to the Missouri humanities council, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Staples, **SB 184** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Rohrbach--1		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bland	Jacob--3	

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SS for **SB 266**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 266

An Act to repeal section 451.022, RSMo Supp. 1998, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Klarich, **SS** for **SB 266** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	DePasco

Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators	
Clay	Goode--2	
	Absent--Senators--None	
	Absent with leave--Senators	
Banks	Bland	Jacob--3

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 224, introduced by Senator Caskey, entitled:

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

Was taken up.

On motion of Senator Caskey, **SB 224** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bland	Jacob--3	

Senator Johnson assumed the Chair.

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for SBs 240, 226 and 229, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 240, 226 and 229

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up by Senator DePasco.

On motion of Senator DePasco, SCS for SBs 240, 226 and 229 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Graves--1			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bland	Jacob--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Staples--1			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bland	Jacob--3	

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 81, introduced by Senator Mathewson, entitled:

An Act to repeal section 311.485, RSMo Supp. 1998, relating to temporary permits for liquor by the drink, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 81** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators			
Caskey	Russell	Westfall--3	
Absent--Senator Bentley--1			
Absent with leave--Senators			
Banks	Bland	Jacob--3	

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 136, introduced by Senator Goode, entitled:

An Act to repeal sections 8.250 and 8.294, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to contracts for state construction projects, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 136** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		

Absent with leave--Senators
Banks Bland Jacob--3

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 310, introduced by Senator Maxwell, entitled:

An Act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 310** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach-- 1		
Absent--Senator Schneider-- 1		
Absent with leave--Senators		
Banks	Bland	Jacob--3

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 158, introduced by Senators Singleton and Schneider, entitled:

An Act to repeal section 191.659, RSMo 1994, and section 191.663, RSMo Supp. 1998, relating to certain medical conditions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **SB 158** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Staples--1
 Absent--Senator Schneider--1
 Absent with leave--Senators

Banks	Bland	Jacob--3
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The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SB 401, introduced by Senator Maxwell, entitled:

An Act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 401** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None
 Absent--Senators
 Flotron--2
 Absent with leave--Senators

Banks	Bland	Jacob--3
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The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 276, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to repeal section 360.060, RSMo 1994, and sections 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to the health and educational facilities authority, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 276**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bland	Jacob--3	

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 20** be taken up for perfection, which motion prevailed.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 20, Page 1, In the Title, Line 3, by inserting immediately after the word "improvement" the following: ", with penalty provisions"; and

Further amend said bill, Page 2, Section 67.1600, Line 18, by inserting immediately after the word "municipality" the following: "**or in the unincorporated area of a county of the first classification with a population greater than nine hundred thousand**"; and further amend line 22, by striking the word "may" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 2, Section 67.1600, Line 29, by inserting after the word "municipality" the following: "**or county executive of a county of the first classification with a population greater than nine hundred thousand**"; and further amend line 30, by striking the words "city council" and inserting in lieu thereof the following: "**governing body of the municipality, or the governing body of the county**"; and further amend line 31, by striking the opening parentheses "(" and further amend said line, by striking the closing parentheses ")" and inserting in lieu thereof a comma ","; and

Further amend said bill and section, Page 3, Line 75, by inserting immediately after "case of" the following: "**owner occupied**"; and

Further amend said bill, Page 3, Section 67.1603, Line 1, by inserting after the word "hundred" the word "**inhabitants**"; and further amend lines 3-4, by striking all of said lines and inserting in lieu thereof the following: "**within the entire municipality shall be initiated by ordinance of the governing body**"; and

Further amend said bill, Page 4, Section 67.1603, Lines 12 - 26, by striking all of said lines and inserting in lieu thereof the following:

"2. In a municipality with more than three hundred thousand inhabitants, the question of creating a home equity program within a portion of a municipality described as a township, district or ward shall be initiated by ordinance of the governing body of the municipality or by a petition signed by not less than five percent of the total number of registered voters of the municipality who voted in the last gubernatorial election, the registered voters of which are eligible to sign the petition. It shall be the duty of the election authority having jurisdiction over such municipality to submit the question of creating a home equity program to the voters within the municipality at the regular election specified in the ordinance or petition initiating the question. If the question is initiated by petition and if the requisite number of signatures is not obtained in any township, district or ward included within the area described in the petition, then the petition shall be valid as to the area encompassed by those townships, districts or wards for which the requisite number of signatures is obtained and any such township, district or ward for which the requisite number of signatures is not obtained shall be excluded from the area.

3. In a county of the first classification with a population greater than nine hundred thousand, the question of creating a home equity program within a contiguous unincorporated area included entirely within any such county shall be initiated by ordinance of the governing body of the county, or by a petition signed by not less than five percent of the total number of registered voters within each township, district or ward to be served who voted in the last gubernatorial election, the registered voters of which are eligible to sign the petition. It shall be the duty of the election authority having jurisdiction over such county to submit the question of creating a home equity program to the voters within the area to be served at the regular election specified in the ordinance or petition initiating the question. If the question is initiated by petition and if the requisite number of signatures is not obtained in any township, district or ward included within the area described in the petition, then the petition shall be valid as to the area encompassed by those townships, districts or wards for which the requisite number of signatures is obtained and any such township, district or ward for which the requisite number of signatures is not obtained shall be excluded from the area."; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 4, Section 67.1603, Line 28, by inserting immediately after the word "municipality" the words "**or county**"; and

Further amend said bill, Page 5, Section 67.1603, Line 47, by inserting immediately after the word "municipality" the words "**or county**"; and

Further amend said bill, Page 6, Section 67.1606, Line 13, by inserting immediately after the word "municipality" the words "**or county**"; and

Further amend said bill, Page 6, Section 67.1609, Line 2, by inserting immediately after the word "municipality" the

words "**or county**"; and further amend line 3, by striking the word "municipalities" and inserting in lieu thereof the words "**such political subdivisions**"; and further amend line 8, by striking the word "or" and inserting in lieu thereof a comma ","; and further amend said line by inserting after the word "municipalities" the following: "**or county**"; and further amend line 12, by striking the word "or" and inserting in lieu thereof a comma ","; and further amend said line by inserting after the word "municipalities" the following: "**or county**"; and

Further amend said bill, Page 8, Section 67.1612, Line 12, by inserting immediately after the word "municipality" the words "**or county**"; and

Further amend said bill, Page 10, Section 67.1621, Line 18, by inserting immediately after "price" the following: "**equal to or greater than the guaranteed value on**"; and

Further amend said bill and section, Page 11, Line 60, by striking "sixty-day" and inserting in lieu thereof the following: "**ninety-day**"; and

Further amend said bill, Page 16, Section 67.1648, Line 7, by inserting immediately after the word "municipality" the words "**or county**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 20, Page 1, In the Title, Line 3, by inserting immediately after the word "improvement" the following: ", with a termination date"; and

Further amend said bill, Page 17, Section 67.1633, Line 4, by inserting after all of said line the following:

"Section B. The provisions of sections 67.1600 to 67.1663 shall expire on December 31, 2010.".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Goode, **SB 20**, as amended, was declared perfected and ordered printed.

Senator Mathewson assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Toby Ray Bottom, 6505 County Road 200, Joplin, Jasper County, Missouri 64801, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending May 31, 2001, and until his successor is duly appointed and qualified; vice, Jim G. Smith, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Guy S. Deyton, D.D.S., 7515 Northwest 79th, Kansas City, Platte County, Missouri 64152, as a member of the Missouri Dental Board, for a term ending October 16, 2002, and until his successor is duly appointed and qualified; vice, Gerald Spencer, D.D.S., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah I. Halter, 4310 Grace Avenue, St. Louis, St. Louis County, Missouri 63116, as a member of the Missouri Veterans Commission, for a term ending November 2, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jean N. Grabeel, Democrat, 5250 Shari Lane, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2000, and until her successor is duly appointed and qualified; vice, Leroy Blunt, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen M. Luebbert, Ph.D., 1220 Somerset Field Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elaina M. Wolzak, 4528 Northeast Kingston Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Board of Pharmacy, for a term ending October 29, 2003, and until her successor is duly appointed and qualified; vice, Hargie Boykin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 523-By Kinder.

An Act to repeal section 162.790, RSMo 1994, relating to state funding for the education of certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

SB 524-By House.

An Act to amend chapters 143 and 208, RSMo, by adding thereto two new sections relating to tax relief for victims of the Nazi holocaust.

SB 525-By Rohrbach.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes, with penalty provisions.

SB 526-By Schneider.

An Act to amend chapter 33, RSMo, by adding thereto sixteen new sections relating to procedures and remedies for reporting and recovery of public funds lost to fraud.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 308** and **314**; **SCS** for **SBs 8** and **173**; **SS** for **SCS** for **SBs 160** and **82**; and **SB 294**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 14** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 315**, entitled:

An Act to repeal section 301.142, RSMo Supp. 1998, relating to disabled person license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 517**, entitled:

An Act to repeal sections 302.136 and 302.138, RSMo Supp. 1998, relating to the motorcycle safety program advisory committee, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 478**, entitled:

An Act to repeal section 375.147, RSMo 1994, relating to the managing general agents act, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 185**, entitled:

An Act to repeal section 302.291, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 14** and grant the House a conference thereon, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 476--Commerce and Environment.

REFERRALS

President Pro Tem Quick referred **SB 353**, with **SCA 1**; **SS** for **SCS** for **SBs 14, 60** and **69**; and **SS** for **SB 22** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Dalrymple Marsh, Jefferson City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY--TUESDAY, MARCH 2, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We pray this day for your spiritual presence as we face another day of conflicting demands and pressures. And we pray for former Senator Jeff Schaeperkoetter, who is in serious condition from a car accident last night. We pray that You will provide Your healing power to flow through his body bringing him to wholeness of mind, body and spirit through Your mercy's sake. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Banks	Bland--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 322, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. William Phillip Benz, Eureka, which was adopted.

CONCURRENT RESOLUTIONS

Senator Clay moved that **SCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Clay, **SCR 1** was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Ehlmann	Maxwell	Schneider--3
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Absent with leave--Senators

Banks	Bland--2
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Senator Goode moved that **SCR 2** be taken up for adoption, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Goode, **SCR 2** was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Mueller	Schneider--2
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Absent with leave--Senators

Banks	Bland--2
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Senator DePasco announced that photographers from KRCG-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 20**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 32** be taken up for perfection, which motion prevailed.

On motion of Senator Howard, **SB 32** was declared perfected and ordered printed.

Senator Quick moved that **SB 288** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS** for **SB 288**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 288

An Act relating to the Missouri settlement trust fund.

Senator Quick moved that **SS** for **SB 288** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 288, Page 2, Section 1, Line 1, by adding at the end of said line, the following:

"Section A. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly. The ballots of submission shall contain the following language, and the amendment receiving the greater majority of votes cast for adoption shall supercede:

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be considered "total state revenues" as used in section 17 of article X of the Missouri Constitution?"

AND

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be excluded from "total state revenues" as used in section 17 of article X of the Missouri Constitution and subject to appropriation?"; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 1** is out of order in that the amendment goes beyond the original intent and purpose of **SS** for **SB 288**.

The point of order was referred to the President Pro Tem.

Senator Ehlmann raised a further point of order that **SS** for **SB 288** is out of order in that it goes beyond the intent of the original bill.

The point of order was referred to the President Pro Tem.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

The pending points of order were taken under advisement, placing the bill on the Informal Calendar.

Senator Sims moved that **SB 322, SB 150 and SB 151**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 322, 150 and 151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 322, 150 and 151

An Act to repeal sections 27.020, 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.516, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to child care providers and child placement, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 322, 150 and 151** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 1, In the Title, Line 2, by striking "27.020" and inserting in lieu thereof the following: "207.020".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Lines 12-13, by striking the following: "care of children with behavioral problems with the approval of a judge"; and inserting in lieu thereof the following: "**and with the approval of a judge in the thirty-ninth judicial circuit, care of children with behavioral problems,**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Line 33, by inserting after all of said line the following:

"Section 1. 1. To qualify for receipt of state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, an applicant and any person over the age of fourteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145, RSMo. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of fourteen who is living in the applicant's home has been recorded pursuant to section 210.221, RSMo, or section 210.145, RSMo;

(2) Determine if the applicant or any person over the age of fourteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496, RSMo; and

(3) Request a criminal background check of the applicant and any person over the age of fourteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of fourteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145, RSMo;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496, RSMo;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge.

The division of family services shall, by rule, determine any additional types of offenses or reports, including but not limited to domestic violence, elder abuse or drug offenses, which will disqualify an applicant from receiving such state or federal funds.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of fourteen who is living in the applicant's home listed in subsection 3 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of fourteen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. For child care providers who receive state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, the department of social services shall:

(1) Be authorized to revoke the registration of a registered provider for due cause;

(2) Require providers to be at least eighteen years of age;

(3) Where there are no local ordinances or regulations regarding smoke detectors, require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence where child care is provided;

(4) Require providers to be tested for tuberculosis;

(5) Make providers aware of local opportunities for training in first aid and child care.

2. The department of social services shall promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

At the request of Senator Sims, **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 662**, entitled:

An Act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 514**, entitled:

An Act to repeal sections 169.560 and 169.655, RSMo Supp. 1998, relating to the public school and the nonteacher school employer retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 94**, entitled:

An Act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 468**, entitled:

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 300**, entitled:

An Act relating to automobile driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 425**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 386**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 323, regarding the 1999 State Champion Oak Grove High School Wrestling Team, which was adopted.

Senator Maxwell offered Senate Resolution No. 324, regarding the "Senior Buddy" Program at Hannibal High School and Eugene Field Elementary School, Hannibal, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 322, SB 150 and SB 151**, with **SCS and SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Bentley, the above amendment was withdrawn.

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Line 33, by inserting after all of said line the following:

"Section 1. 1. To qualify for receipt of state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, an applicant and any person over the age of fourteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145, RSMo. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of fourteen who is living in the applicant's home has been recorded pursuant to section 210.221, RSMo, or section 210.145, RSMo;

(2) Determine if the applicant or any person over the age of fourteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496, RSMo; and

(3) Request a criminal background check of the applicant and any person over the age of fourteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of fourteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145, RSMo;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496, RSMo;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of

fourteen who is living in the applicant's home listed in subsection 3 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of fourteen who is living in the applicant's home, the applicant shall not apply for such funds until a guarantee is given that such person will not be present during the time the children are present.

7. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. For child care providers who receive state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, the department of social services shall:

- (1) Be authorized to revoke the registration of a registered provider for due cause;
- (2) Require providers to be at least eighteen years of age;
- (3) Require providers to be tested for tuberculosis;
- (4) Make providers aware of local opportunities for training in first aid and child care.

2. The department of social services shall promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Sims, **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 325, regarding the death of Mr. Louis J. Donati, St. James, which was adopted.

Senator Yeckel offered Senate Resolution No. 326, regarding George T. Winebright, St. Louis, which was adopted.

Senator Howard, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 327

WHEREAS, the Missouri Senate is always proud to recognize those exemplary citizens who give of themselves so that others might live better; and

WHEREAS, so many lives are enriched by the quiet, devoted contributions of those who stepped forward to help when any neighbor is in need;

and

WHEREAS, the tremendous hopes, the many missions and the daily necessities of the smallest, but most significant details in the hearts of people could never be met without older workers and volunteers; and

WHEREAS, lives have been touched in countless, unmeasurable ways by the outstanding volunteers who have offered from the treasure of their hearts, their skills, knowledge, generosity, kindness, warmth of personality and life's experience to others; and

WHEREAS, for the ninth consecutive time, the Missouri Department of Social Services, Division of Aging and the MSECC Committee comprised of the National Senior Citizens Education and Research Center, the American Association of Retired Persons, Green Thumb, Incorporated, the United States Forest Service, the Missouri Department of Economic Development, Division of Job Development and Training, the Missouri Department of Labor and Industrial Relations, Division of Employment Security, the National Council on Aging, Jewish Vocational Service and Cardinal Ritter Institute, have joined to work in a united effort to select and sponsor finalists for the Older Worker of the Year Celebration; and

WHEREAS, the 1999 finalists for older worker of the year come from every part of the great state of Missouri; and

WHEREAS, Howard Wilson of St. Joseph, Frank Graves of Moberly, Rose Holman of Independence, Helen Bishop of El Dorado Springs, Emerson Lemmel of Mt. Sterling, Betty Jo Faulkner of St. Louis, James Grindstaff of Joplin, Marie Hall of Springfield, Brenda Westmorland of Stover, Jessie Beck of Kansas City, Gloria Chunn of St. Louis, Louise Urban of St. Peters, Herbert Reynolds of DeSoto and Mary Moore of West Plains were selected as finalists and Ernest Smith of Dexter, Missouri was selected as Older Worker of the Year; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to recognize the extraordinary caring and tremendous results of the efforts of these outstanding individuals on behalf of the people of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for all the finalists for Older Worker of the Year.

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Mueller offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 1, Section 1, Line 9 of the amendment, by deleting the word "such" and inserting after "with" "the background".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SA 4**, as amended, be adopted, which motion prevailed.

Senator Kenney offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 10, Section 210.256, Lines 14-18, by deleting all new language.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 7, Section 210.245, Line 32, by deleting the word "ten" on said line and inserting in lieu thereof the word "thirty".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Sims moved that **SCS** for **SBs 322, 150 and 151**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SBs 322, 150 and 151**, as amended, was declared perfected and ordered printed.

Senator Jacob moved that **SB 239**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 239

An Act to repeal section 205.190, RSMo Supp. 1998, relating to county hospitals in first classification counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 239** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **SB 239** was declared perfected and ordered printed.

At the request of Senator Quick, **SB 417**, with **SCA 1**, was placed on the Informal Calendar.

Senator Stoll moved that **SB 346**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 346

An Act to repeal sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Stoll moved that **SCS** for **SB 346** be adopted.

Senator Stoll offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 346, Page 11, Section 115.157, Line 40, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 11, Section 115.157, Line 42, by inserting an opening bracket "[" immediately before the word "database"; and further amend said line by inserting after the closing bracket "]" the following: "**provided that nothing in this chapter shall require such voter information to be released to the public over the Internet**".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Stoll offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 346, Page 13, Section 115.199, Line 4, by inserting after all of said line the following:

"115.231. 1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions **or presidential primary ballots** in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 346, Page 7, Section 115.123, Line 9, by striking the word "April" and inserting in lieu thereof the word "**March**"; and

Further amend said bill, Page 33, Section 115.755, Line 2, by striking the word "April" and inserting in lieu thereof the word "**March**"; and

Further amend said bill, Page 34, Section 115.761, Line 22, by striking the word "April" and inserting in lieu thereof the word "**March**".

Senator Klarich moved that the above amendment be adopted.

Senator Howard assumed the Chair.

At the request of Senator Klarich, **SA 3** was withdrawn.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 346, Page 37, Section 115.785, Line 9, by inserting immediately after said line the following:

"Section 1. Beginning January 1, 2000, all reports filed with the ethics commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 346, Page 20, Section 115.349, Line 5, by striking the word "March" and inserting in lieu thereof the word "**April**"; and

Further amend said section and page, line 7, by striking the word "February" and inserting in lieu thereof the word "**January**".

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Mueller, Russell and Singleton.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Childers	Ehlmann	Flotron
Kenney	Kinder	Klarich	Rohrbach
Russell--9			
NAYS--Senators			
Bentley	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--20
Absent--Senators			
Graves	Maxwell	Schneider--3	
Absent with leave--Senators			
Banks	Bland--2		

Senator Mueller offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 346, Page 27, Section 115.507, Line 4, by adding after said line the following: "**The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur.**".

Senator Mueller moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 346**, with **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 407**, entitled:

An Act relating to changes in county classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 366**, entitled:

An Act to repeal section 52.385, RSMo 1994, relating to county collectors, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 64**, entitled:

An Act to amend chapter 209, RSMo, relating to aid to the blind, by adding thereto one new section relating to guide dog trainers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 646**, entitled:

An Act to repeal section 304.235, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 464**, entitled:

An Act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

THIRD READING OF SENATE BILLS

SB 294, introduced by Senator Staples, entitled:

An Act to repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Staples moved that **SB 294** be read the 3rd time and finally passed.

Senator Staples was recognized to close.

Senator Bentley rose to be recognized to speak on the bill.

Senator Staples yielded the floor to Senator Bentley, who spoke on the bill.

Senator Singleton rose to interrogate Senator Bentley.

The Chair stated that Senator Staples had been recognized to close and further debate would not be proper.

Senator Singleton raised the point of order that when Senator Bentley was recognized to speak the floor was again open for debate.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Staples, **SB 294** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Staples	Steelman
Stoll--21			
NAYS--Senators			
Bentley	Goode	Jacob	Mueller
Scott	Sims	Singleton	Westfall
Wiggins--9			
Absent--Senators			
Schneider	Yeckel--2		

Absent with leave--Senators
Banks Bland--2

The President declared the bill passed.

President Pro Tem Quick assumed the Chair.

The emergency clause failed to receive a two-thirds majority by the following vote:

YEAS--Senators			
Caskey	Childers	DePasco	Graves
House	Jacob	Kenney	Kinder
Maxwell	Quick	Rohrbach	Russell
Staples	Steelman	Stoll	Yeckel--16
NAYS--Senators			
Bentley	Clay	Ehlmann	Flotron
Goode	Howard	Johnson	Klarich
Mathewson	Mueller	Scott	Sims
Singleton	Westfall	Wiggins--15	
Absent--Senator Schneider--1			
Absent with leave--Senators			
Banks	Bland--2		

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 196** be taken up for perfection, which motion prevailed.

On motion of Senator DePasco, **SB 196** was declared perfected and ordered printed.

Senator DePasco moved that **SB 197** be taken up for perfection, which motion prevailed.

On motion of Senator DePasco, **SB 197** was declared perfected and ordered printed.

Senator Johnson moved that **SB 33** be taken up for perfection, which motion prevailed.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 33, Page 1, Section 144.517, Line 5, by adding the words "or secondary school"; and

Further amend said bill, line 8, by adding after the word "field", the following "or high school diploma".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Russell and Westfall.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Rohrbach	Scott
Steelman	Wiggins	Yeckel--11	
NAYS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Goode	House	Jacob
Johnson	Mathewson	Mueller	Quick
Russell	Sims	Singleton	Staples
Stoll	Westfall--18		
Absent--Senators			
Howard	Maxwell	Schneider--3	
Absent with leave--Senators			
Banks	Bland--2		

On motion of Senator Johnson, **SB 33** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 436**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 396**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Maxwell, Chairman of the Committee on Commerce and Environment, Senator Quick submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Linda Sherwin, and March of Dimes Volunteers from across the state.

Senator Childers introduced to the Senate, Jennifer Beasley, Lynn Chamberlain, Kirsten Green and thirty-four eighth grade students from Kirbyville School, Kirbyville.

Senator Maxwell introduced to the Senate, Vickie Massen, Ann Hagan and sixteen sixth grade students from St. Brendan's Catholic School, Mexico.

Senator Clay introduced to the Senate, Dina Vatcha and Tracie Hope, St. Louis.

Senator Howard introduced to the Senate, members of the Southeast Missouri Teachers Association.

Senator Kinder introduced to the Senate, Ed Seabaugh, Jackson; and JoAnn Hahs, Oak Ridge.

Senator Maxwell introduced to the Senate, Mark, Amy and Regan Thomas and Joe, Chris and Ryan Joseph Dimmitt, Shelbina; and Regan and Ryan Joseph were made honorary pages.

Senator Caskey introduced to the Senate, Christine Bell, Warrensburg.

Senator Mathewson introduced to the Senate, seventy eighth grade students from Salisbury School, Salisbury; and Doug Bixenman, Natasha Hollon, Nic Perkins and Debra Durham were made honorary pages.

Senator Stoll introduced to the Senate, Mrs. Fricke, Mrs. Cooseman and fourth grade students from Hillsboro R-3 School.

Senator Maxwell introduced to the Senate, members of the Missouri Nurses Association.

Senator Flotron introduced to the Senate, Sue McCartney, Mrs. Bockel, Mrs. LoPiccolo and eighty fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Kinder introduced to the Senate, Julie Keathley, Dexter; Pam O'Brien, Cape Girardeau; and Sarah Ross, Angelo Moore and Kim Eftink.

Senator Singleton introduced to the Senate, Willie Shipee and forty nursing students from Missouri Southern State College.

Senator Howard introduced to the Senate, Howard Wilson, St. Joseph; Frank Graves, Moberly; Rose Holman, Independence; Helen Bishop, El Dorado Springs; Emerson Lemmel, Mt. Sterling; Betty Jo Faulkner and Gloria Chunn, St. Louis; James Grindstaff, Joplin; Marie Hall, Springfield; Brenda Westmorland, Stover; Jessie Beck, Kansas City; Louise Urban, St. Peters; Herbert Reynolds, DeSoto; Mary Moore, West Plains and Ernest Smith, Dexter.

Senator Graves introduced to the Senate, Sue Dorrell, Shelly Robertson and students from St. Gregory School, Maryville.

Senator Sims introduced to the Senate, her daughter, Molly Sims, St. Louis.

Senator Sims introduced to the Senate, Scott Vibranz, Peg Capo, Gretchen Davis and John

Hanpeter, St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY--WEDNESDAY, MARCH 3, 1999

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Almighty God: You created us with many abilities and talents different from each other so that together our gifts complement and supplement each other as we use them to frame and refine the many bills that are before us. Keep us aware of our differences, yet see them as useful in the process of legislating the many and diverse issues facing us this session. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem Quick assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 328, regarding Don Hicks, Ste. Genevieve, which was adopted.

Senator Stoll offered Senate Resolution No. 329, regarding Nancy Moss Hollingsworth, DeSoto, which was adopted.

THIRD READING OF SENATE BILLS

SB 414, introduced by Senator Stoll, entitled:

An Act to repeal sections 142.815, 142.824, 142.875, 142.905 and 142.908, RSMo Supp. 1998, relating to motor fuel tax, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 414** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Ehlmann--2		
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 268, introduced by Senator Staples, entitled:

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 268** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Ehlmann--1			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 152, introduced by Senator Childers, entitled:

An Act to repeal section 226.955, RSMo Supp. 1998, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 152** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 299, introduced by Senator Yeckel, entitled:

An Act to repeal section 448.3-116, RSMo Supp. 1998, relating to condominiums, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 299** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senator Jacob--1

The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 76, introduced by Senator Banks, entitled:

An Act to repeal sections 92.715, 140.100 and 141.830, RSMo 1994, relating to the collection of delinquent taxes, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Banks, **SB 76** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senator Jacob--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 349, introduced by Senator Graves, entitled:

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 349** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Staples--2		
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 410, introduced by Senator Howard, entitled:

An Act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 410** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 170, with **SCS**, introduced by Senator Schneider, entitled:

An Act to repeal section 448.2-117, RSMo 1994, relating to condominium property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 170

An Act to repeal section 448.3-106, RSMo 1994, relating to condominium property, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 170** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 170** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

President Wilson assumed the Chair.

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

SCS for **SBs 308** and **314**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 308 and 314

An Act to repeal sections 104.352, 104.354, 104.370 and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.401, 104.410, 104.420, 104.612 and 104.620, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof forty-two new sections relating to the same subject.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SBs 308** and **314** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Mathewson	Mueller	Quick
Schneider	Scott	Sims	Staples
Stoll	Wiggins-- 18		
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Maxwell	Rohrbach	Russell	Singleton
Steelman	Westfall	Yeckel-- 15	
Absent--Senator Johnson-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for **SBs 8** and **173**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 8 and 173

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the department of health.

Was taken up by Senator Banks.

On motion of Senator Banks, **SCS** for **SBs 8** and **173** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			

Absent--Senator Flotron-- 1
Absent with leave--Senators--None

President Pro Tem Quick assumed the Chair.

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 160 and 82, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 160 and 82

An Act to repeal sections 249.645, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof seventeen new sections relating to water and service services, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Maxwell, **SS for SCS for SBs 160 and 82** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Rohrbach--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach--1

Absent--Senator Banks--1

Absent with leave--Senators--None

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 163**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

At the request of Senator House, **SS** for **SB 163** was withdrawn.

Senator House offered **SS No. 2** for **SB 163**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 163

An Act to repeal section 170.011, RSMo 1994, relating to public school instruction, and to enact in lieu thereof two new sections relating to the same subject.

Senator House moved that **SS No. 2** for **SB 163** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator House, **SS No. 2** for **SB 163** was declared perfected and ordered printed.

Senator Stoll moved that **SB 346**, with **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Mueller, the above amendment was withdrawn.

Senator Mueller offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 346, Page 27, Section 115.507, Line 4, by adding after said

line the following: **"The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night."**

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 346, Page 37, Section 115.785, Line 9, by inserting after all of said line the following:

"Section 1. When a ballot measure submitted to an election authority has an identical or substantially identical ballot title as another ballot measure that will appear on the same ballot, the election authority shall consult with the governing body that submitted the identical or substantially identical measures and rename one or more of the measures. This section shall not apply to individuals whose names appear on a ballot."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SCS** for **SB 346**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 346**, as amended, was declared perfected and ordered printed.

At the request of Senator Wiggins, **SB 5** was placed on the Informal Calendar.

Senator Banks moved that **SB 379**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Banks, **SB 379**, as amended, was declared perfected and ordered printed.

Senator Stoll moved that **SB 325**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 325**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 325

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1998, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Stoll moved that **SCS** for **SB 325** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 325, Page 9, Section 327.111, Line 6, by deleting the word "registration" and inserting in lieu thereof the following: "[registration] **authority**"; and

Further amend said bill, Page 17, Section 327.272, Line 40, by inserting after all of said line the following:

"4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo."; and

Further amend said bill, Page 17, Section 327.291, Line 4, by deleting the words "**fraudulently uses**" and inserting in lieu thereof the word "**pretends**".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 325, Page 26, Section 327.411.3, Line 34, by deleting all of lines 34 through 39, and inserting in lieu thereof the following: "or survey."

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 325, Page 30, Section 327.461, Line 7, by inserting after all of said line the following:

"431.180. 1. All persons who enter into a contract for private construction work after August 28, 1995, shall make all scheduled payments pursuant to the terms of the contract. **For purposes of this section, the term "persons" shall include the owner, a contractor, subcontractor, material supplier, construction manager, architect, professional engineer or land surveyor.**

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against a person who has failed to pay. The court may in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date payment was due pursuant to the terms of the contract, and reasonable attorney fees, to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

3. The provisions of this section shall not apply to contracts for private construction work for the building, improvement, repair or remodeling of owner-occupied residential property of four units or less."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SCS** for **SB 325**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 325**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 33**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal section 383.105, RSMo 1994, relating to reporting certain medical malpractice insurance claims, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 34**, entitled:

An Act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 680**, entitled:

An Act to repeal sections 142.815, 142.824, 142.875, 142.905 and 142.908, RSMo Supp. 1998, relating to motor fuel tax, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to repeal section 389.612, RSMo 1994, relating to the grade crossing safety account, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 661**, entitled:

An Act to repeal section 43.150, RSMo Supp. 1998, relating to discipline of members of the highway patrol, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 242**, entitled:

An Act to repeal section 534.070, RSMo 1994, and sections 534.090 and 535.030, RSMo Supp. 1998, relating to civil procedure, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 282**, entitled:

An Act to repeal section 351.448, RSMo Supp. 1998, relating to corporate mergers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 473--Elections, Veterans' Affairs and Corrections.

SB 474--Civil and Criminal Jurisprudence.

SB 475--Local Government and Economic Development.

SB 477--Civil and Criminal Jurisprudence.

SB 478--Insurance and Housing.

SB 479--Commerce and Environment.

SB 480--Pensions and General Laws.

SB 481--Transportation.

SB 482--Civil and Criminal Jurisprudence.

SB 483--Education.

SB 484--Insurance and Housing.

SB 485--Agriculture, Conservation, Parks and Tourism.

SB 486--Labor and Industrial Relations.

SB 487--Transportation.

SB 488--Education.

SB 489--Local Government and Economic Development.

SB 490--Ways and Means.

SB 491--Insurance and Housing.

SB 492--Insurance and Housing.

SB 493--Judiciary.

SB 494--Commerce and Environment.

SB 495--Public Health and Welfare.

SB 496--Financial and Governmental Organi-zation.

SB 497--Education.

SB 498--Transportation.

SB 499--Agriculture, Conservation, Parks and Tourism.

SB 500--Transportation.

SJR 29--Civil and Criminal Jurisprudence.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 233**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SB 347**, **SB 40**, **SB 241** and **SB 301**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 330, regarding the Connect Tomorrow Program at Webster Elementary School, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 331, regarding the Bus-to-Bus Discipline Program at Plaza Middle School, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Molly Stark Strassner, St. Louis.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Norm Knowlton, and Sean McGinnis, Springfield.

Senator Staples introduced to the Senate, members of the Freedom of the Road Riders Club.

Senator Sims introduced to the Senate, David S. Allen and Patrick L. Bowan, St. Louis.

Senator Rohrbach introduced to the Senate, Tem Hiesberger and fourth grade students from Belair Elementary School, Jefferson City.

Senator Graves introduced to the Senate, Mayor Tim Whitaker, and members of the Trenton Chamber of Commerce.

Senator Bentley introduced to the Senate, Betty Preston, Trenton.

Senator Caskey introduced to the Senate, George Bullard, Warrensburg; and Rodney Street, Centerview.

On behalf of Senator Johnson, the President introduced to the Senate, forty-two seventh grade students from Truman Middle School, St. Joseph.

Senator Johnson introduced to the Senate, Pam Canterbury, Mary Jo Eiberger and students from St. Joseph Youth Academy, St. Joseph; and Matt King, Amy Kotwani, Matt Belcher, Patty Long, Dustin Nurski, Katie Palmer, Aimee Pike, Bridget Taylor and Rachel Wardlow were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY--THURSDAY, MARCH 4, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

God of Grace and Mercy: After a week of setting a record number of bills before the Senate, we are even more mindful of the increasing demands on us who divide our time here and at home. Grant us Your Grace to use our time efficiently and balance our lives between work and play, stress and relaxation, love of work and love of family. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bentley--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 332, regarding the Forty-sixth Anniversary of the Paradise Missionary Baptist Church, Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 333, regarding Curtis R. Weber, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 334, regarding Paul E. Weber, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 335, regarding Reverend James C. Marshall, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 336, regarding the One Hundredth Birthday of Mrs. Isa Bryant, Clinton, which was adopted.

Senator Howard offered Senate Resolution No. 337, regarding 1999 Miss Missouri Teen All American, Sarah Watkins, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 338, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Curtis Estes, Poplar Bluff, which was adopted.

Senator Westfall offered Senate Resolution No. 339, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ellis Wayne Butler, Republic, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 322, 150 and 151**; **SCS** for **SB 239**; **SB 197**; **SB 196**; and **SB 32**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SB 33** and **SCS** for **SBs 322, 150 and 151** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 335**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 335**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 335

An Act to repeal sections 217.760, 558.016, 569.025, 569.035, 570.040 and 571.015, RSMo 1994, and sections 558.011, 558.019 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SCS** for **SB 335** be adopted.

Senator Caskey offered **SS** for **SCS** for **SB 335**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 335

An Act to repeal sections 195.275, 217.760, 455.085, 558.016, 569.025, 569.035, 570.040 and 571.015, RSMo 1994, and sections 557.036, 558.011, 558.019, 559.026 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **SB 335** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 21, Section 559.026, Line 23, of said page, by striking from said line the following: "consider and may"; and

Further amend said bill, page 22, section 559.026, line 2, of said page, by inserting after the word "designate" the following: ", **or the board of probation and parole shall direct**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SCS** for **SB 335**, as amended, be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which **SS** for **SCS** for **SB 335**, as amended, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Banks--1

Absent--Senators

Maxwell	Scott	Staples--3
	Absent with leave--Senator Bentley--1	

SS for **SCS** for **SB 335**, as amended, was again taken up.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 8, Section 455.085, Line 17, by inserting immediately after said line the following:

"513.653. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body **and to the department of public safety**. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. **The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section.**"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SCS** for **SB 335**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 335**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 373** be taken up for perfection, which motion prevailed.

Senator DePasco offered **SS** for **SB 373**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 373

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1998, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Senator DePasco moved that **SS** for **SB 373** be adopted.

At the request of Senator DePasco, **SB 373**, with **SS** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Rohrbach offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 16, by deleting therefrom the word "and" and inserting in lieu thereof a comma, ",", and by inserting immediately following the word "entities", the phrase ", **public employees and members of state boards and commissions**"; and

Further amend said bill, page and section, Line 22, by inserting immediately following the period, ".", the following: "**Notwithstanding the provisions of section 105.711, the remedy against a public entity provided by section 537.600, for injuries resulting from the negligent acts or omissions of a public employee or a member of a state board or commission or a public entity is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against such public employee, board or commission member or such person's estate. Any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the public employee, board or commission member or such person's estate is precluded without regard to when the act or omission occurred.**".

Senator Rohrbach moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Childers, Sims, Steelman and Stoll.

SA 7 failed of adoption by the following vote:

YEAS--Senators

Childers	Flotron	Graves	Kenney
Kinder	Mueller	Rohrbach	Russell
Sims	Singleton	Westfall--11	
	NAYS--Senators		
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	House	Howard
Jacob	Johnson	Klarich	Mathewson
Maxwell	Quick	Schneider	Scott
Steelman	Stoll	Wiggins	Yeckel--20
	Absent--Senators		
Goode	Staples--2		
	Absent with leave--Senator Bentley--1		

Senator Rohrbach offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 105.711, Line 140, by inserting immediately following said line, the following section:

"537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, [which was designed and constructed prior to September 12, 1977,] the public entity shall be entitled to a defense **as a matter of law** which shall be a complete bar to recovery whenever the [public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous] design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed **regardless of any subsequent change in signing, improvement or maintenance of such highway or road if such improvement or maintenance did not alter the original physical or geometric design.**

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning

liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multi-state compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989 to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Childers requested a roll call vote be taken on the adoption of **SA 8** and was joined in his request by Senators Steelman, Schneider, Russell and Rohrbach.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall
Yeckel--13			
NAYS--Senators			
Banks	Bland	Caskey	DePasco
Goode	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stelman	Wiggins--18		
Absent--Senators			
Clay	Stoll--2		
Absent with leave--Senator Bentley--1			

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 105.711, Line 140, by inserting immediately following said line, the following section:

"516.140. Within two years: An action for **injuries, death or property damage permitted pursuant to the provisions of section 537.600, RSMo**, libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or actions brought under section 290.140, RSMo. An action by an employee for the payment of

unpaid minimum wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum wages or overtime compensation, and for the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an act of Congress, shall be brought within two years after the cause accrued."; and

Further amend said bill and page, by amending the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Childers, Klarich, Mueller and Steelman.

SA 9 failed of adoption by the following vote:

YEAS--Senators			
Childers	Flotron	Graves	Kenney
Kinder	Mueller	Rohrbach	Russell
Sims	Singleton	Westfall	Yeckel--12
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Klarich
Mathewson	Maxwell	Quick	Schneider
Scott	Staples	Steelman	Stoll
Wiggins--21			
Absent--Senators--None			
Absent with leave--Senator Bentley--1			

Senator Childers offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.010, Line 34, by inserting after the word "with" on said line the following "a rate equal to one half of"; and

Further amend said bill, page 8, section 537.756, line 6, by inserting after the word "with" on said line the following: "a rate equal to one half of".

Senator Childers moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

President Wilson assumed the Chair.

Senator Mueller offered **SSA 1** for **SA 10**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.610, Line 32, by deleting all of said lines 32 through 40; and further amend said bill, section 537.756, page 8, line 4, by deleting all of said line through line 12; and further renumber subsections as needed.

Senator Mueller moved that the above substitute amendment be adopted.

Senator Schneider requested that a roll call vote be taken on the adoption of **SSA 1** for **SA 10** and was joined in his request by Senators Clay, Russell, Steelman and Westfall.

SSA 1 for **SA 10** failed of adoption by the following vote:

YEAS--Senators			
Childers	Kenney	Kinder	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--10		
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Ehlmann	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Schneider	Staples	Stelman
Stoll	Wiggins--18		
Absent--Senators			
Banks	Flotron	Goode	Graves
Scott--5			
Absent with leave--Senator Bentley--1			

SA 10 was again taken up.

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Russell, Steelman and Yeckel.

SA 10 failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Mueller	Rohrbach
Russell	Sims	Westfall	Yeckel--12
NAYS--Senators			
Bland	Caskey	Clay	DePasco
House	Howard	Jacob	Johnson
Klarich	Mathewson	Maxwell	Quick
Schneider	Staples	Stelman	Stoll
Wiggins--17			
Absent--Senators			
Banks	Goode	Scott	Singleton--4
Absent with leave--Senator Bentley--1			

Senator Childers offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 10, by inserting after the word "of" on said line the following: "one half of"; and further amend said section and line by inserting after the word "upon" on said line the following: "previous to January 1, 2005 as provided in this section".

Senator Childers moved that the above amendment be adopted.

Senator Schneider requested that a roll call vote be taken on the adoption of **SA 11** and was joined in his request by Senators Clay, Staples, Steelman and Wiggins.

SA 11 failed of adoption by the following vote:

YEAS--Senators			
Childers	Graves	Kenney	Kinder
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--11	
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Ehlmann	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Quick	Schneider	Staples	Stelman
Stoll	Wiggins--18		
Absent--Senators			
Banks	Flotron	Goode	Scott--4
Absent with leave--Senator Bentley--1			

Senator Mueller offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, In the Title, Line 2, by striking the words "sovereign immunity" and inserting in lieu thereof the words "civil actions"; and

Further amend said bill, Page 8, Section 537.756, Line 12, by inserting immediately after all of said line the following:

"537.800. 1. In any action against a licensed professional for damages or injuries on account of the rendering of or failure to render professional services, the plaintiff or his attorney shall file an affidavit with the court stating that he has obtained the written opinion of a legally qualified like licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of such like licensed professional to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or his attorney fails to file such affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.

6. For purposes of this act, the term "licensed professional" shall mean every licensed architect, professional engineer, land surveyor or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any "health care provider" as that term is defined in section 538.205, RSMo.

7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 12** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 6, Section 537.610, Line 42, by adding after said line the following:

"7. In the event a court renders final judgment determining that any provision of this act taking effect on or after its effective date constitutes a new activity or service or an increase in the level of an activity or service beyond that required by existing law pursuant to article X, section 21 of the Missouri constitution, or any successor to that section, such provision shall be void ab initio."

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator Schneider moved that **SCS** for **SBs 295** and **46**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SBs 295** and **46**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SB 163**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**: Representatives: Franklin, Williams (121), Troupe, Legan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 308**, entitled:

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 267**, entitled:

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.240, 311.293, 311.298, 311.310, 311.328, 311.329, and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John P. Smith, as Director, Division of Credit Unions;

Also,

Mary L. James, Connie H. Silverstein and M. Sean McGinnis, as members of the University of Missouri Board of Curators;

Also,

Janet M. Williams, as a member of the Missouri Head Injury Advisory Council;

Also,

Mary S. "Molly" Strassner, as a public member of the Video Instructional Development and Educational Opportunity Program;

Also,

Pamela J. Nunn, Susan I. Green, Thomas C. Roeseler and Phyllis J. Steckel, as members of the Seismic Safety Commission;

Also,

Terry Jo Fox and Gregory L. Solum, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Steven P. Gietschier, as a member of the State Historical Records Advisory Board;

Also,

Wilma J. Maddox and John W. Briscoe, as members of the Truman State University Board of Governors;

Also,

Donald L. Dickerson, as a member of the Southeast Missouri State University Board of Regents.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 467**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

February 8, 1999

The Honorable Steve Stoll

Missouri Senate

Capitol Building

Jefferson City, MO 65101

Dear Senator Stoll:

Please be advised that I am appointing you as a member of the Highway Employees' and Highway Patrol Retirement System Board of Trustees Section 104.160, RSMo.

If I can be of any assistance please feel free to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

State Senator

District #17

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Howard and Jane Huff, Wayne Butler, Marvin Grier and John Sparkman, Greene County.

Senator Russell introduced to the Senate, Charles Bassett, Dixon.

Senator Stoll introduced to the Senate, Tom Muzzy, Tina Thebea and the eighth grade Honor Society from Hillsboro.

Senator Russell introduced to the Senate, Owen Smith and Dayle Nelson, Dallas County.

On behalf of Senator Westfall and himself, Senator Russell introduced to the Senate, Sheila Van Dieggelen, Deena Jo Weaver, Bryan Campbell and 3rd grade students from Marshfield.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank G. Rieger, Columbia.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 8, 1999.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY--MONDAY, MARCH 8, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: In spite of sleet, rain and ice we made it here and we thank You for bringing us safely through it all. This week we pray that we may walk steadily towards the many goals that were set for this session. And we pray that You pour out Your healing power on so many who are ill, bring them quickly to health and wholeness. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 4, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
DePasco	Staples--2		

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 340, regarding Eric Ward, Poplar Bluff, which was adopted.

Senator Kenney offered Senate Resolution No. 341, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Leonard Fick, Greenwood, which was adopted.

Senator Kenney offered Senate Resolution No. 342, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Briggs, Independence, which was adopted.

Senator Howard offered Senate Resolution No. 343, regarding W. M. Luna, Piedmont, which was adopted.

Senator Steelman offered Senate Resolution No. 344, regarding "Serendipity: One Day That Makes A Difference"

Program at Salem Upper Elementary School, Salem, which was adopted.

Senator Schneider offered Senate Resolution No. 345, regarding the death of Donald R. Zykan, North St. Louis County, which was adopted.

Senator Kenney offered Senate Resolution No. 346, regarding Arthur A. Davis, III, Lee's Summit, which was adopted.

Senator Ehlmann offered Senate Resolution No. 347, regarding Timothy Alan Carr, St. Peters, which was adopted.

Senator Graves offered Senate Resolution No. 348, regarding the One Hundred First Birthday of Carl Hayzlett, Forest City, which was adopted.

Senator Graves offered Senate Resolution No. 349, regarding the Ninetieth Birthday of Mary L. Landes, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 350, regarding the Ninetieth Birthday of Susan Everett Muir, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 351, regarding the Ninety-sixth Birthday of Dell Morris, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 352, regarding the One Hundred Fourth Birthday of Florence Foster, King City, which was adopted.

Senator Graves offered Senate Resolution No. 353, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carroll R. Brand, Osborn, which was adopted.

Senator Graves offered Senate Resolution No. 354, regarding the Ninety-sixth Birthday of Louise Kneale, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 355, regarding the Ninety-fifth Birthday of Mrs. Mary Ann Palmer, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 356, regarding the Ninety-first Birthday of Dorothy Bell, Rock Port, which was adopted.

Senators Schneider and Klarich offered Senate Resolution No. 357, regarding Manfred P. Zettl, St. Louis, which was adopted.

Senators Schneider and Klarich offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 358

WHEREAS, the Missouri Senate takes pride in honoring those rare professionals who have attained the pinnacle of success among their peers; and

WHEREAS, Manfred P. Zettl, Managing Chef of the St. Louis Women's Club, prepared the exquisite menu for the First Annual Senate Gourmet Dinner and Wine Tasting sponsored by Missouri Wineries and the Missouri Department of Agriculture Grape and Wine Program, held on April 22, 1998, at the Michigan Place Banquet Hall in Jefferson City; and

WHEREAS, born in Salzburg, Austria, in 1941, a graduate of the Austrian Hotel School, the French Wine School and the California Wine Council, Manfred Zettl has traveled the world serving as Chef for the luxury line the S.S. Rotterdam; for Austrian hotels such as the Hotel Goldener Hirsch and Schloss Hotel Velden, as well as The Zuerserhof in the Arlberg Mountains; and for Famous Barr Company where his recipe for French onion soup received the attention of numerous magazines, making him a celebrity; and

WHEREAS, one of only 780 chefs in America to belong to the prestigious American Academy of Chefs, Chef Zettl is exceedingly proud of his affiliation with the Commanderie De Bordeaux, the Chaîne Des Rotisseurs, Les Amis Du Vin, the St. Louis Chefs De Cuisine Association, and the Academy of Culinary Art in St. Louis, where he currently serves as an instructor; and

WHEREAS, an accomplished ice carver, Chef Zettl has received such accolades as the 1972 National Ice Carving Championship and the American Academy of Restaurant and Hospitality Sciences 1995 Five Star Award; and

WHEREAS, the 1986-1987 Chef of the Year, Manfred Zettl served as the Advisor and Sponsor of Explorer Post 9113 Chefs and Cooking Post of the Boy Scouts of America, Advisor to the Jewish Community Centers Association Food Service, Consultant for Beck Flavor Company, Corporate and Consulting Chef for the Five Star Food Base Company of Minnesota, and as the Production Manager for La Bonne Bouchee where he began a complete cake and pastry line for Quality Food Service Operations; and

WHEREAS, the remarkable, gourmet dinner included wines provided by Missouri wineries and an impressive menu of hor d'oeuvres, a first course of chicken double consomme with shitaki quenelles and Ozark flat bread sticks, fresh cherry lemon sorbet, fresh mixed garden greens with Italian croutons and walnut balsamic vinaigrette, fresh churned butter, and hot bread; and

WHEREAS, the dinner's main course consisted of a farm raised cornfed Missouri Double Porkchop with honey ginger glacé, roasted garlic mashed potatoes, fresh green beans with bacon and sweet onions, honey glazed carrot nuggets, and Route 66 Chocolate Souffle with fresh raspberry chocolate sauce; and

WHEREAS, this exquisite dinner prepared by Chef Manfred P. Zettl, C.E.C., A.A.C., of the St. Louis Women's Club, who has dazzled the likes of dignitaries and celebrities, including John F. Kennedy, Nikita Khrushchev, Marilyn Monroe, Clark Gable, Herbert Von Karian, the Shah of Persia, and Queen Elizabeth of England:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our most sincere appreciation to Chef Zettl for the unparalleled success of the First Annual Senate Gourmet Dinner and Wine Tasting, and in wishing him only the very best as he continues to enhance the lives of others as a culinary artist and that the Flag shall fly over the State Capitol on this date in his honor in perpetuity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Chef Manfred P. Zettl, C.E.C.,A.A.C.

Senator Ehlmann offered the following resolution:

SENATE RESOLUTION NO. 359

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Twenty-third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 52 be amended to read as follows:

"Rule 52. **1.** All bills reported to the senate from any committee shall lie on the table one day before being perfected and ordered printed; and bills when reported perfected shall lie over one day before a third reading.

2. Notwithstanding any other rule to the contrary, Senate Bill No. 318, considered by the senate during the ninetieth general assembly, first regular session, shall be amended only by substitute, and any substitute offered shall not exceed a total annual cost to general revenue in excess of two hundred eighty-five million dollars. Any substitute offered pursuant to this rule must be on the senators' desks twenty-four hours prior to taking it up. The senate shall take up Senate Bill No. 318 on Monday, March 22, 1999."

CONCURRENT RESOLUTIONS

Senators Banks and Clay offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, political party committees perform important functions by acting for and representing their political parties; and

WHEREAS, ward committees perform an important role in acting for and representing the interest of their political party at the local level; and

WHEREAS, when a vacancy occurs in a ward committee, it is the duty of the other committee member in the same ward to appoint a replacement; and

WHEREAS, when a vacancy is not promptly filled by the other ward committee member, the ability of that ward committee to represent and act for the political party in important matters of the ward is impaired:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, that the general assembly believes for all of the above reasons, that any vacancy existing in a ward committee should be filled as soon as possible; and

BE IT FURTHER RESOLVED, should any vacancy remain unfilled for a period of thirty days, the respective ward committee shall post the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to each of the established political parties in this state that has ward committee representation.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dan W. Brown, D.V.M., Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory L. Hempen, 56 Montague Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William E. James, Democrat, 902 Bird Avenue, Harrisonville, Cass County, Missouri 64701, as a member of the Missouri State Lottery Commission, for a term ending September 7, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert J. Mayfield, Democrat, 12910 Walnut Way Terrace, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri State Lottery Commission, for a term ending September 7, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith A. Steffen-Drake, 3443 South Kings Avenue, Springfield, Greene County, Missouri 65807, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John H. Teale, D.C., 305 Gaines Road, Excelsior Springs, Clay County, Missouri 64024, as a public member of the State Board of Cosmetology, for a term ending August 16, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debbie M. Ulinski, 4236 Virginia Avenue #10, St. Louis, St. Louis County, Missouri 63111, as a public member of the Missouri State Committee of Interpreters, for a term ending December 11, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 501--Transportation.

SB 502--Agriculture, Conservation, Parks and Tourism.

SB 503--Aging, Families and Mental Health.

SB 504--Financial and Governmental Organi-zation.

SB 505--Civil and Criminal Jurisprudence.

SB 506--Ways and Means.

SB 507--Agriculture, Conservation, Parks and Tourism.

SB 508--Agriculture, Conservation, Parks and Tourism.

SB 509--Ways and Means.

SB 510--Agriculture, Conservation, Parks and Tourism.

SB 511--Education.

SB 512--Education.

SB 513--Public Health and Welfare.

SB 514--Aging, Families and Mental Health.

SB 515--Public Health and Welfare.

SB 516--Insurance and Housing.

SB 517--Insurance and Housing.

SB 518--Local Government and Economic Development.

SB 519--Public Health and Welfare.

SB 521--Public Health and Welfare.

SB 522--Financial and Governmental Organi-zation.

SB 523--Education.

SB 524--Ways and Means.

SB 525--Elections, Veterans' Affairs and Corrections.

SB 526--Civil and Criminal Jurisprudence.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HB 349--Financial and Governmental Organization.

HCS for HB 533--Local Government and Economic Development.

HB 346--Transportation.

HB 152--Agriculture, Conservation, Parks and Tourism.

HB 79--Pensions and General Laws.

HB 39--Commerce and Environment.

HB 399--Ways and Means.

HB 35--Agriculture, Conservation, Parks and Tourism.

HJR 5--Education.

HB 153--Agriculture, Conservation, Parks and Tourism.

HB 323--Elections, Veterans' Affairs and Corrections.

HB 338--Transportation.

HS for HCS for HB 618--Aging, Families and Mental Health.

HB 318--Local Government and Economic Development.

HCS for HB 524--Commerce and Environ-ment.

HCS for HB 139--Agriculture, Conservation, Parks and Tourism.

HB 541--Agriculture, Conservation, Parks and Tourism.

HB 368--Financial and Governmental Organization.

HB 63--Elections, Veterans' Affairs and Corrections.

HCS for HB 52--Financial and Govern-mental Organization.

HCS for HB 60--Transportation.

HCS for HB 348--Civil and Criminal Jurisprudence.

HB 65--Pensions and General Laws.

HB 271--Public Health and Welfare.

HB 265--Public Health and Welfare.

HB 103--Local Government and Economic Development.

HB 530--Pensions and General Laws.

HB 136--Civil and Criminal Jurisprudence.

HB 216--Commerce and Environment.

HB 518--Agriculture, Conservation, Parks and Tourism.

HB 248--Civil and Criminal Jurisprudence.

HB 165--Civil and Criminal Jurisprudence.

HB 359--Civil and Criminal Jurisprudence.

HB 69--Civil and Criminal Jurisprudence.

HB 358--Public Health and Welfare.

HB 183--Civil and Criminal Jurisprudence.

HB 76--Civil and Criminal Jurisprudence.

HB 369--Appropriations.

HB 275--Local Government and Economic Development.

HS for HB 450--Commerce and Environ-ment.

HB 107--Local Government and Economic Development.

HCS for HBs 321 and 493--Education.

HS for HCS for HB 274--Judiciary.

HCS for HB 888--Agriculture, Conservation, Parks and Tourism.

HS for HB 162--Labor and Industrial Relations.

HB 191--Public Health and Welfare.

HB 315--Transportation.

HB 517--Transportation.

HB 478--Insurance and Housing.

HB 185--Transportation.

HB 662--Pensions and General Laws.

HB 514--Pensions and General Laws.

HB 94--Public Health and Welfare.

HB 468--Transportation.

HB 300--Transportation.

HB 407--Local Government and Economic Development.

HB 366--Local Government and Economic Development.

HB 64--Public Health and Welfare.

HB 646--Transportation.

HB 464--Pensions and General Laws.

HB 445--Insurance and Housing.

HB 34--Insurance and Housing.

HB 680--Transportation.

HB 678--Transportation.

HB 661--Civil and Criminal Jurisprudence.

HB 242--Civil and Criminal Jurisprudence.

HB 282--Financial and Governmental Organi-zation.

HCS for HB 308--Aging, Families and Mental Health.

REPORTS OF STANDING COMMITTEES

On behalf of Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Quick submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 379**; **SCS for SB 346**; **SS for SCS for SB 335**; **SCS for SB 325**; and **SCS for SBs 295 and 46**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SB 399**; **SCS for SBs 295 and 46**; **SCS for SB 346**; **SB 426**; and **SB 320 and SB 445**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following

reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 466, Page 1, In the Title, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 65.110 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by striking all of said line and inserting in lieu thereof the following:

"Section A. Sections 65.110 and 205.180, RSMo 1994, are repealed and two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 65.110 and"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"65.110. 1. There shall be chosen at the biennial election in each township one trustee, who shall be ex officio treasurer of the township, one township collector, one township clerk, and two members of the township board.

2. If the number of candidates for any township office is no greater than the number of such officers to be elected, no election shall be held for that township office, and the candidate or candidates shall assume the responsibilities of such office at the same time and in the same manner as if such candidate or candidates had been elected. For the purposes of this subsection, township offices are: trustee, ex officio treasurer, collector, clerk and township board.

[2.] **3.** Upon the assumption of office of a county assessor elected as provided by section 53.010, RSMo, the township clerk shall cease to perform the duties of ex officio township assessor and shall promptly deliver to the county assessor all books, papers, records, and property pertaining to the office of ex officio township assessor."

THIRD READING OF SENATE BILLS

SB 433, introduced by Senator Russell, entitled:

An Act authorizing the director of the department of natural resources to convey certain property in the Lake of the Ozarks State Park.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 433** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators			
DePasco	Graves	Staples--3	

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 362, introduced by Senator Westfall, entitled:

An Act to repeal sections 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265 and 324.267, RSMo Supp. 1998, relating to the licensure of massage therapists, and to enact in lieu thereof eleven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 362** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Banks	Schneider	Singleton--3	
Absent with leave--Senators			
DePasco	Graves	Staples--3	

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 456, introduced by Senator Klarich, entitled:

An Act to repeal section 362.077, RSMo Supp. 1998, relating to bank charters, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 456** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Schneider--2		
Absent with leave--Senators			
DePasco	Staples--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Schneider--2		
Absent with leave--Senators			
DePasco	Staples--2		

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 520--Civil and Criminal Jurisprudence.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 289**, with **SCAs 1** and **2**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SS** for **SB 289**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 289

An Act to repeal sections 162.857 and 162.867, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof two new sections relating to the same subject.

Senator Goode moved that **SS** for **SB 289** be adopted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 289, Page 7, Section 162.867, Line 25, by inserting immediately after all of said line the following:

"162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be

appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of **the** board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) The state board of education shall make a determination of accreditation status of any district within ninety days of the date of completion of the district's accreditation review by the department of elementary and secondary education. In the event the state board of education is otherwise prohibited from classifying as unaccredited any district, then any resident taxpayer of that district shall have a cause of action to have a court of law declare the school district unaccredited under the uniform criteria established by the state board of education. In such action, the plaintiff must plead a prima facie case that the school district fails to meet the criteria, at which time the burden of proof will be on the school district to show it meets the criteria for accreditation or provisional accreditation, and, if the person bringing such action prevails, such person shall be entitled to reasonable attorney's fees and such other remedies as the court may order, which may include an order that the district be classified as unaccredited. A finding of non-accreditation shall not create additional obligation or liability on the part of the state of Missouri other than that set out below. In the event that the state board of education **or any court of this state** shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for **the** operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site- based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as

determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. The transitional school district, any other statute to the contrary notwithstanding, shall not be subject to any certificate of tax abatement issued pursuant to sections 99.700 to 99.715, RSMo. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district. The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school

district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Goode moved that **SS** for **SB 289**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 289**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 570**, entitled:

An Act to repeal section 491.060, RSMo 1994, relating to witness testimony, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 453**, entitled:

An Act to repeal section 610.035, RSMo Supp. 1998, relating to public records, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 473**, entitled:

An Act to repeal section 610.015, RSMo Supp. 1998, relating to votes taken at public governmental bodies meetings, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 257**, entitled:

An Act to repeal section 561.031, RSMo 1994, relating to appearances by the defendant, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 326**, entitled:

An Act to repeal section 41.160, RSMo 1994, relating to certain military forces, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 290**, entitled:

An Act to repeal section 301.445, RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 724**, entitled:

An Act to repeal section 43.503, RSMo Supp. 1998, relating to the Missouri uniform law enforcement system, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 326**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 336**, begs leave to report that it has considered

the same and recommends that the bill do pass.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Rachael and Elsa Klarich, St. Louis; and Rachael and Elsa were made honorary pages.

Senator Singleton introduced to the Senate, Richard Melton, St. Louis; Joshua Seaman, Chetopa, Kansas; Daine Branham, Neosho; Ian Finney, St. Stephens, Alabama; Brandy Murdock, Porter, Texas; Amanda Russell, Sacramento, Kentucky; Mr. and Mrs. James Link and James Thomas, Neosho.

On motion of Senator Jacob, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY--TUESDAY, MARCH 9, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful God: Throughout these Lenten days, O God, we behold the great love You have shown us. Give to us patience through the rough and tumble of life and help us come to realize that life's abrasions are, for the believer, a way to become like a diamond more polished for service in Your kingdom. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Jacob announced that photographers from the Senate and KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Bentley	DePasco--2		
The Lieutenant Governor was present.			

REFERRALS

President Pro Tem Quick referred **SCR 17** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SS** for **SCS** for **SB 335** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SB 180, introduced by Senator Johnson, entitled:

An Act to repeal section 169.670, RSMo Supp. 1998, as enacted by house substitute for house committee substitute for senate committee substitute for senate bill no. 501 of the eighty-ninth general assembly, second regular session and section 169.670, RSMo Supp. 1998, as enacted by senate bill no. 733 of the eighty-ninth general assembly, second regular session, relating to public school retirement systems, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Johnson, **SB 180** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	Flotron	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Rohrbach--1			
Absent--Senators			
Ehlmann	Goode	Schneider--3	
Absent with leave--Senators			
Bentley	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
Ehlmann	Schneider--2		
Absent with leave--Senators			
Bentley	DePasco--2		

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

SB 20, introduced by Senators Goode, et al, entitled:

An Act to amend chapter 67, RSMo, by adding thereto twenty-two new sections relating to community improvement, with penalty provisions and with a termination date.

Was taken up by Senator Goode.

Senator Goode moved that **SB 20** be read the 3rd time and finally passed.

At the request of Senator Goode, **SB 20** was placed on the Informal Calendar.

RESOLUTIONS

Senators Quick, Howard, Wiggins, Caskey, Russell, Mathewson and Childers offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 360

WHEREAS, upon occasion the members of the Missouri Senate take pause from their legislative work in order to honor an individual who has brought glory to this fine state through career achievements that have been marked by competence, professionalism, diligence, and dedication; and

WHEREAS, born in St. Joseph, Missouri, on November 4, 1916, Walter Cronkite began his exemplary journalism career as a campus correspondent for the Houston Post during high school and his freshman year at the University of Texas; and

WHEREAS, Walter Cronkite enjoyed a reputation for honesty, objectivity, superb research, and unflappability in the face of danger throughout his more than sixty years in journalism which continues even today as a consultant in association with his son Chip's documentary production company, Cronkite Productions, Incorporated, and assignments as a special correspondent for CBS, with which he has been affiliated for more than forty-eight years; and

WHEREAS, Walter Cronkite joined CBS News in Washington as a correspondent in 1950 and went on to serve as anchorman and managing editor of the CBS Evening News for nineteen years; and

WHEREAS, Walter Cronkite has served as a journalist in a variety of venues including that of a sports announcer for an Oklahoma City radio station, correspondent and bureau chief with United Press for eleven years, and broadcast journalist with CBS, PBS, The Discovery Channel, syndication, and others; and

WHEREAS, a close-at-hand World War II correspondent, Walter Cronkite chronicled nearly every major news story of the second half of the twentieth century including the Cold War, Viet Nam, the hostage crisis of Tehran, this nation's Bicentennial, Watergate, assassinations, space exploration, and the individuals and world leaders closely associated with those events; and

WHEREAS, with the dedication and induction of his bronze bust into the Hall of Famous Missourians, Walter Cronkite joins an illustrious group of native Missourians chosen for the enormity of contributions to their respective fields such as Emmett Kelly, Sr.; Harry S Truman; George Washington Carver; Mark Twain; Charlie "Bird" Parker; Walter Elias Disney; Generals John J. Pershing and Omar N. Bradley; Thomas Hart Benton; and others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the life and work of Walter Cronkite upon his well-deserved induction into the Hall of Famous Missourians on Monday, March 8, 1999; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to honor Walter Cronkite and to express our unwavering esteem for him.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, Walter Cronkite, who approached the dais and addressed the members of the Senate.

President Wilson resumed the Chair.

THIRD READING OF SENATE BILLS

Senator Goode moved that **SB 20** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Goode, **SB 20** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Childers	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Graves	Kinder	Klarich
Singleton	Steelman	Westfall--7	
Absent--Senator Clay--1			
Absent with leave--Senators			
Bentley	DePasco--2		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 239

An Act to repeal section 205.190, RSMo Supp. 1998, relating to county hospitals in first classification counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Jacob.

On motion of Senator Jacob, **SCS** for **SB 239** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None
Absent--Senator Clay--1
Absent with leave--Senators
DePasco--2

Bentley

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 197 was placed on the Informal Calendar.

SB 196 was placed on the Informal Calendar.

SB 32, introduced by Senator Howard, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to notification of unemployment benefit eligibility by certain employers.

Was taken up.

On motion of Senator Howard, **SB 32** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Staples--2		
	Absent with leave--Senators		
Bentley	DePasco--2		

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SB 163**, introduced by Senator House, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 163

An Act to repeal section 170.011, RSMo 1994, relating to public school instruction, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator House.

On motion of Senator House, **SS No. 2** for **SB 163** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Caskey--1

Absent--Senators--None

Absent with leave--Senators

Bentley DePasco--2

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 379, introduced by Senator Banks, entitled:

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to a cancer information reporting system, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Banks, **SB 379** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SCS for **SB 325**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 325

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101, 327.401 and 431.180, RSMo Supp. 1998, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-three new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Stoll.

On motion of Senator Stoll, **SCS** for **SB 325** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators

Bentley DePasco--2

The President Pro Tem declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 148, introduced by Senator Childers, entitled:

An Act to repeal section 174.500, RSMo 1994, relating to the West Plains Campus of Southwest Missouri State University, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 148** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bentley	DePasco--2		

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

SB 460, introduced by Senator House, entitled:

An Act to repeal sections 33.103, 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435 and 166.455, RSMo Supp. 1998, relating to Missouri higher education savings program, and to enact in lieu thereof nine new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 460** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Mueller--1		
	Absent with leave--Senators		
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 201, with **SCA 1**, introduced by Senator Childers, entitled:

An Act to repeal section 91.030, RSMo 1994, relating to municipal owned utilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 201**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Flotron	Singleton--2		
Absent with leave--Senators			
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 207, introduced by Senators Klarich and Wiggins, entitled:

An Act to repeal section 195.509, RSMo 1994, relating to public safety, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **SB 207** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Flotron	Singleton--2		
	Absent with leave--Senators		
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 142, introduced by Senator Schneider, entitled:

An Act to repeal sections 476.681 and 476.682, RSMo 1994, relating to the retirement of judges, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 142** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Mueller	Singleton--2		
	Absent with leave--Senators		
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 436, with **SCS**, introduced by Senator Quick, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to political subdivisions operating as ambulance districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 436**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 436

An Act to repeal section 190.044, RSMo Supp. 1998, relating to ambulance service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **SB 436** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 436** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Graves--1			
Absent--Senator Singleton--1			
Absent with leave--Senators			
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 396, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 320.230, RSMo 1994, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 396**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 396

An Act to repeal section 320.230, RSMo 1994, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 396** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 396** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Howard--1		
	Absent--Senators		
Quick	Scott	Singleton--3	
	Absent with leave--Senators		
Bentley	DePasco--2		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 424**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 434**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 434, Page 1, In the Title, Line 2, by striking the words "an easement" and inserting in lieu thereof the following: "easements"; and

Further amend said bill, page 1, Section 2, line 2, by inserting after all of said line the following:

"Section 3. 1. The director of the department of natural resources is hereby authorized and empowered to give, grant, bargain and convey to the City of Eureka, Missouri a 20-foot wide easement for the construction, reconstruction, use, operation, maintenance, removal, and inspection, of a forced main across a portion of Route 66 State Park. The easement to be conveyed to the City of Eureka, Missouri by the director, department of natural resources, is more particularly described as follows:

A 20 foot wide sewer easement across and upon the property described as parcel # 1 in general warranty deed as recorded in book 9283, pages 1010 through 1024, of the St. Louis County records, and being the same property as shown on survey of a tract of land being part of Times Beach and all of Times Beach first and second additions and part of sections 31 and 32 and part of Williams Subdivision in U.S. Survey 2071, all located in township 44 north, range 4 east of the 5th principal meridian, St. Louis County, Missouri, executed by James B. Becker, Consulting Engineers, recorded in survey record book 1 pages 8A and 8B of the St. Louis County records and being more particularly described as follows:

Commencing at the southeast corner of said section 31; thence north 89 degrees 56 minutes 21 seconds west along the southerly line and westerly prolongation of the southerly line of said section 31 a distance of 325.97 feet to a point 150 feet perpendicular distance from the westerly line of Votaw Road (50 feet wide); thence north 22 degrees 55 minutes 14 seconds east along a line 150 feet perpendicular distance from the westerly line of Votaw Road 882.08 feet to the northerly line of Missouri Interstate 44; thence along the northerly line of said Interstate 44 the following courses and distances: north 78 degrees 31 minutes 31 seconds west 1416.48 feet; south 11 degrees 28 minutes 29 seconds west 5.00 feet; north 78 degrees 31 minutes 31 seconds west 277.84 feet to a point on the easterly line of the Burlington Northern Railroad right-of-way, said point being 150 feet radial distance from centerline of said Burlington Northern Railroad right-of-way; thence departing the northerly line of said Interstate 44 northeasterly along a curve to the left, said curve being 150 feet radial distance from centerline of said Burlington Northern Railroad right-of-way and having a radius point bearing north 51 degrees 52 minutes 38 seconds west 2605.70 feet, an arc distance of 64.52 feet to the true point of beginning of the tract herein described, said point being the centerline of the herein described 20 foot wide easement; thence departing from the easterly line of said Burlington Northern Railroad right-of-way and along the centerline of said 20 foot wide easement the following courses and distances: south 79 degrees 57 minutes 55 seconds east a distance of 130.99 feet; north 55 degrees 02 minutes 05 seconds east a distance of 20.00 feet; north 10 degrees 02 minutes 05 seconds east a distance of 245.38 feet; north 02 degrees 56 minutes 33 seconds west a distance of 154.17 feet; north 21 degrees 54 minutes 53 seconds east a distance of 423.41 feet; north 32 degrees 34 minutes 06 seconds east a distance of 51.82 feet; north 13 degrees 43 minutes 59 seconds east a distance of 211.67 feet; north 11 degrees 20 minutes 28 seconds west a distance of 49.83 feet; north 11 degrees 09 minutes 32 seconds east a distance of 767.61 feet; north 14 degrees 48 minutes 41 seconds east a distance of 684.55 feet; north 17 degrees 39 minutes 19 seconds east a distance of 475.03 feet; north 15 degrees 36 minutes 17 seconds east a distance of 393.40 feet; north 05 degrees 48 minutes 39 seconds west a distance of 111.66 feet; north 16 degrees 41 minutes 21 seconds east a distance of 790.89 feet to the point of ending of the 20 foot wide easement, said point being on the northern line of aforesaid Times Beach second addition and being south 47 degrees 46 minutes 10 seconds east a distance of 20.19 feet from the northwest corner thereof.

2. Consideration for the conveyance shall be as negotiated by the parties.

3. The attorney general shall approve as to form the instrument of conveyance."

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 434, Page 1, In the Title, Line 3, by inserting after "County" the following: "and to authorize the annexation of state property into the City of Maryville"; and

Further amend said bill and page, Section 2, line 2, by inserting after all of said line the following:

"Section 3. The governor is hereby authorized to approve the annexation of three tracts of land of the Northwest Missouri State University into the City of Maryville, Missouri. The property to be annexed is more particularly described as follows:

Tract 1

Commencing at the intersection of the West Line of Section 18, Township 64 North, Range 35 West, with the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence along Range Line, South to a point 132 feet North of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 18; thence East 330 feet; thence North along a line 330 feet East and parallel to Range Line to the intersection of the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence westerly along said right-of-way to the point of beginning.

Tract 2

Commencing at the Northeast Corner of Section 18, Township 64 North, Range 35 West, Nodaway County, Missouri; thence South along the North/South Quarter Section Line of Section 18 to the intersection with the southerly right-of-way of the former Norfolk and Western Railroad; thence westerly along said right-of-way to the West Line of said Section 18; thence North along Range Line to a point 30 feet South of the Northwest Corner of said Section 18, said point being the southerly right-of-way of West Sixteenth Street; thence East along said right-of-way to the southerly extension of the East Line of Village "O" Estates Subdivision, a Subdivision of the Southwest Quarter of Section 7. Township 64 North, Range 35 West, Nodaway County; thence North along said extension to the intersection of the North Line of Section 18; thence East along Section Line to the Northeast corner of said Section 18 and the point of beginning.

Tract 3

All of the Northeast Quarter (NE1/4) of Section Thirteen (13), Township Sixty-four (64), Range Thirty-six (36), lying North of the right-of-way of the former Norfolk and Western Railroad, except the West 470 feet thereof."

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 435**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Howard submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 352**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 352, Page 1, Section 301.466, Line 19, by striking the following: "and shall bear six letter or numbers".

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 438**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 334**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 479**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 361, regarding St. James Winery, Hermann, which was adopted.

On motion of Senator Jacob, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator House offered Senate Resolution No. 362, regarding the Francis Howell R-III School District, St. Charles County, which was adopted.

Senator House offered Senate Resolution No. 363, regarding the Fiftieth Anniversary of KWRE seven-thirty AM, Warrenton, which was adopted.

Senator House offered Senate Resolution No. 364, regarding Richard W. Hischke, St. Charles, which was adopted.

Senator Kenney offered Senate Resolution No. 365, regarding Sue Gentry, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 366, regarding Corey Crandall, Buckner, which was adopted.

Senator Kenney offered Senate Resolution No. 367, regarding Justin Blake "Lucchi" Holder, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 368, regarding Daniel J. Harvey, Independence, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 369

WHEREAS, the members of the Missouri Senate have been pleased to learn that on January 10, 1999, Dr. and Mrs. John J. Turley, celebrated their 50th Wedding Anniversary; and

WHEREAS, John and June Turley celebrated this significant wedding anniversary in Kansas City, with a memorable dinner at Stephenson's Apple Orchard Restaurant joined by their four children and eleven grandchildren; and

WHEREAS, Dr. Turley has practiced Optometry in Waldo since 1954, where he has been an active member of the Waldo Business Association, and Dr. and Mrs. Turley have remained residents of Waldo; and

WHEREAS, Dr. and Mrs. Turley, have four children, Steven J. Turley, Dr. John W. Turley, Karen M. Turley, and Howard J. Turley, all of whom are graduates of Bingham Junior High School and Southeast High School; and

WHEREAS, Dr. and Mrs. Turley are members of the Country Club Christian Church where they are Chancel Choir members and Dr. Turley is a life elder; and

WHEREAS, Dr. John J. Turley and his son, Dr. John W. Turley, have been active members of the Missouri State Optometric Association, and Dr. John J. Turley, has served as Missouri State President of the Association;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute Dr. and Mrs. John J. Turley on the occasion of their 50th Wedding Anniversary, congratulate them on their wonderful family and their numerous contributions to Waldo, Kansas City, and to Missouri, and extend to Dr. and Mrs. Turley and their entire family very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Dr. and Mrs. John J. Turley, Dr. John W. Turley, Steven J. Turley, Karen M. Turley and Howard J. Turley.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 370

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Donald J. Clarkson, of Kansas City; and

WHEREAS, Mr. Clarkson, who was born in Manhattan, Kansas, but lived his entire life in Kansas City, was a widely known, highly respected contractor, having for 30 years been associated with and Vice President of Clarkson Construction Company, headed by his father, William E. Clarkson, Sr.; and

WHEREAS, Mr. Clarkson was a graduate of Rockhurst High School, received a B.S. in Engineering from Notre Dame University, and received a M.S. in engineering from the University of Missouri; and

WHEREAS, Mr. Clarkson was a member of St. Thomas More Catholic Church, a member of the Board of United Missouri Bank, Notre Dame de Sion School and was past president of Indian Hills Country Club; and

WHEREAS, Mr. Clarkson was a board member of the Missouri Transit Coalition, a member, director and past president of the Associated General Contractors of Missouri, was a member and corporate secretary of Health Midwest Board of Directors, was a past chairman of the Research Medical Center Board of Directors, a member of the Engineers Club of Kansas City, and a Board member of the Chamber of Commerce of Kansas City; and

WHEREAS, Mr. Clarkson was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, Donald J. Clarkson, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and extend to his wife, Mrs. Julie B. Clarkson, family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Julie B. Clarkson, children, Donald Edwin Clarkson, Christopher George Clarkson, Kelly Anne Clarkson, Audrey Christine Clarkson; his parents, Mr. and Mrs. William E. Clarkson, Sr.; brothers, William E. Clarkson, Jr. and Stephen Clarkson; sisters, Sharon Anne Lapping, Linda L. Clarkson Vanauken, Kathy Brodie, Mary Lee Tilson, Jean Anne Schrader, Jan Elizabeth Krugh, Amy Marie Clarkson; Rockhurst High School; Clarkson Construction Co.; Heavy Contractors Association of Greater Kansas City; and Heavy Contractors Association of Missouri.

THIRD READING OF SENATE BILLS

SB 391, with **SCS**, introduced by Senator Schneider, et al, entitled:

An Act to repeal section 311.190, RSMo 1994, relating to wine manufacturers license, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

SCS for **SB 391**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 391

An Act to repeal section 311.190, RSMo 1994, relating to wine manufacturers license, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 391** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 391** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Clay	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Steelman	Wiggins
Yeckel--25			
NAYS--Senators			
Caskey	Childers	Kenney	Westfall--4
Absent--Senators			
Ehlmann	Russell	Stoll--3	
Absent with leave--Senators			
Bentley	DePasco--2		

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 348, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.031, RSMo 1994, relating to debt service taxation in charter cities with a population of no less than three hundred thousand and no more than seven hundred thousand residents, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 348** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples

Steelman
Yeckel--29

Stoll

Westfall

Wiggins

NAYS--Senator Graves--1

Absent--Senators

Banks

Russell--2

Absent with leave--Senators

Bentley

DePasco--2

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 19**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 19

An Act to repeal sections 303.041, 303.042 and 303.043, RSMo 1994, and sections 302.302, 303.024, 303.025 and 303.026, RSMo Supp. 1998, relating to financial responsibility for motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions, and an effective date for certain sections.

Was taken up.

Senator Goode moved that **SCS** for **SB 19** be adopted.

Senator Goode offered **SS** for **SCS** for **SB 19**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 19

An Act to repeal sections 303.041, 303.042, 303.043, 307.353, 307.355, 307.360, 307.365, 307.390 and 643.315, RSMo 1994, and sections 32.080, 301.025, 301.140, 302.302, 303.024, 303.025, 303.026, 307.350, 307.366, 307.375 and 643.310, RSMo Supp. 1998, relating to the registration and inspection of motor vehicles, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Senator Goode moved that **SS** for **SCS** for **SB 19** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 5, Section 32.080, Line 4 of

said page, by inserting immediately after said line the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998; **and three dollars beginning July 1, 2000, for those licenses biennially renewed pursuant to section 301.147, RSMo;**

(2) For each application or transfer of title--two dollars from August 28, 1997, until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(3) For each chauffeur's, operator's or driver's license--two dollars until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;

(4) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents."; and

Further amend said substitute, page 69, Section B, line 13 of said page, by inserting after "32.080" the following: "136.055"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Rohrbach, Howard, Childers and Graves.

SA 1 was adopted by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	Flotron
Goode	House	Howard	Jacob
Johnson	Mathewson	Schneider	Scott
Staples	Stoll	Westfall	Wiggins

Yeckel--17

NAYS--Senators			
Bland	Ehlmann	Graves	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Steelman--14		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	DePasco--2		

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 22, Section 303.025, Line 9 of said page, by inserting after the word "misdemeanor" the following: **"However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation."**

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 69, Section B, Line 13, by inserting immediately before said line the following:

"Section 1. 1. No insurer shall deny, fail to renew or terminate a contract or account with an agent or broker for the sale of insurance coverage on a motor vehicle, property or casualty risk because of the geographic location of the risk.

2. Any violation of this section shall be deemed an unfair trade practice in the business of insurance and a violation of section 375.934, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, House, Kenney and Klarich.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	Goode
House	Howard	Jacob	Johnson
Maxwell	Steelman	Stoll	Wiggins--12
NAYS--Senators			
Childers	Ehlmann	Graves	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		
	Absent--Senators		

Banks	Flotron	Quick	Schneider
Scott	Staples--6		
	Absent with leave--Senators		
Bentley	DePasco--2		

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 59, Section 643.310, Line 18 of said page, by inserting immediately after said line the following:

"2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355."; and

Further amend said substitute, page 59, section 643.310, lines 19 to 25 of said page, by striking all of said lines; and

Further amend said substitute, page 60, section 643.310, lines 1 and 2 of said page, by striking all of said lines and inserting in lieu thereof the following:

"[2.] 3. (1) The department [shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.] with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder."; and further amend said section by renumbering the remaining subsections; and

Further amend said substitute, page 67, section 643.315, line 13 of said page, by striking ";" and inserting in lieu thereof the following: "."; and

Further amend said substitute, section 643.315, page 67, line 19, by striking ";" and inserting in lieu thereof the following: ". **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred and twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.**"; and

Further amend said substitute, page 68, section 643.315, lines 4 to 14 of said section, by striking all of said lines and inserting in lieu thereof the following: "within five working days. If the dealer chooses"; and further amend lines 23 to

25 of said page, by striking all of said line and inserting in lieu thereof the following: "established by the commission,"; and

Further amend said substitute, page 69, section 643.315, lines 1 to 5 of said page, by striking all of said line and inserting in lieu thereof the following "or"; and

Further amend said substitute, page 69, section 643.315, line 12 of said page, by inserting after all of said line the following:

"643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established [under] **pursuant to** subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins; **and**

(2) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins[; and

(3) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins].

The waiting time shall begin at the time when the customer's vehicle is on the premises of the inspection station and available for inspection.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.
 3. The fee shall be conspicuously posted on the premises of each emissions inspection station.
 4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.
 5. The contractor shall remit the portion of fees collected, as established by the commission [under] **pursuant to** this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural resources, the Missouri highway patrol, and other appropriate agencies**. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.
 6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.
- 643.355. 1. Any person who knowingly misrepresents himself **or herself** as an official emissions inspection station [shall be] **or an inspector or a recognized repair technician is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.
2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.
 3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of an infraction.
 4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.
 5. Any person who knowingly operates a motor vehicle required to be inspected and approved [under] **pursuant to** sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required [under] **pursuant to** section 643.315 [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.
 6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 [shall be] **is** guilty of an infraction.
 7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 [shall be] **is** subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SS** for **SCS** for **SB 19** is out of order as the substitute bill goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem, who took it under advisement which places the bill on the Informal Calendar.

Senator Maxwell assumed the Chair.

Senator Quick moved that **SB 417**, with **SCA 1**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Quick requested unanimous consent of the Senate to correct **SCA 1**, by deleting the words "Section 2" and inserting in lieu thereof the words "Section 4", which request was granted.

Senator Quick moved that **SCA 1** be adopted, which motion prevailed.

Senator Quick offered **SS** for **SB 417**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 417

An Act relating to escrow accounts for tobacco product manufacturers, with penalty provisions and an emergency clause.

Senator Quick moved that **SS** for **SB 417** be adopted.

Senator Johnson assumed the Chair.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 417, Page 1, In the Title, Line 2, by inserting immediately after the word "to" the following: "the tobacco settlement agreement and"; and

Further amend said bill, Page 9, Section 3, Line 18 of said page, by inserting immediately after said line the following:

"Section 2. 1. In the event a court of this state through a final ruling declares senate bill no. 417 of the ninetieth general assembly, first regular session, or a portion thereof invalid, a cause of action shall be filed by the attorney general on behalf of the state of Missouri and other appropriate parties, if applicable, in a state or federal court of appropriate jurisdiction testing the constitutionality of the master settlement agreement, entered into by the attorney general on behalf of the state.

2. The attorney general shall request injunctive relief for any monetary penalties provided for in the master settlement agreement which Missouri is or might be subject to as specified in the master settlement agreement as a result of the court's ruling, and shall specifically ask the court for an order commanding continued compliance with senate bill no. 417 of the ninetieth general assembly, first regular session, during the pendency of the suit. Such action shall allege, including but not limited to, that the provisions of the master settlement agreement are unconstitutional under either state and/or federal law.

3. In the event a "participating manufacturer" as defined in the master settlement agreement initiates, assists, or in any way contributes to any cause of action that leads to a court's ruling senate bill no. 417 of the ninetieth

general assembly, first regular session, or any portion thereof is unconstitutional, then that "participating manufacturer" will have consented to have voluntarily withdrawn their participation from the master settlement agreement, and shall be subject to the full force and effect of the laws of the state of Missouri. In the event that this subsection is applicable, then the attorney general shall institute litigation regarding the "participating manufacturer's" sale, distribution, production, or any related behavior thereof, of the "participating manufacturers" tobacco products sold to the citizens of this state.

4. In the event a "participating manufacturer" as defined in the master settlement agreement initiates, assists, or in any way contributes to any cause of action that leads to a court's ruling senate bill no. 417 of the ninetieth general assembly, first regular session, or any portion thereof is unconstitutional, then the state of Missouri shall be released from any restrictions as are contained in the master settlement agreement, and any "participating manufacturers" shall be subject to the full force and effect of the laws of the state of Missouri. In the event that this subsection is applicable, then the attorney general shall institute litigation regarding any "participating manufacturer's" sale, distribution, production, or any related behavior thereof, of any "participating manufacturers" tobacco products sold to the citizens of this state.

5. In the event a "non-participating manufacturer" as defined in the master settlement agreement initiates, assists, or in any way contributes to any cause of action that leads to a court's ruling senate bill no. 417 of the ninetieth general assembly, first regular session, or any portion thereof is unconstitutional, then that "non-participating manufacturer" will have consented to have voluntarily withdrawn their participation from the master settlement agreement, or from the application of senate bill no. 417 of the ninetieth general assembly, first regular session, and shall be subject to the full force and effect of the laws of the state of Missouri. In the event that this subsection is applicable, then the attorney general shall institute litigation regarding the "non-participating manufacturer's" sale, distribution, production, or any related behavior thereof, of the "non-participating manufacturers" tobacco products sold to the citizens of this state. In the event of the applicability of this subsection, any revenue placed into an applicable escrow fund as called for in senate bill no. 417 of the ninetieth general assembly, first regular session, shall be forfeited to the state and deposited to the credit of the school trust fund.

6. In the event a "non-participating manufacturer" as defined in the master settlement agreement initiates, assists, or in any way contributes to any cause of action that leads to a court's ruling senate bill no. 417 of the ninetieth general assembly, first regular session, or any portion thereof is unconstitutional, then the state of Missouri shall be released from any restrictions as are contained in the master settlement agreement, and any "non-participating manufacturers" shall be subject to the full force and effect of the laws of the state of Missouri. In the event that this subsection is applicable, then the attorney general shall institute litigation regarding any "non-participating manufacturer's" sale, distribution, production, or any related behavior thereof, of any "non-participating manufacturers" tobacco products sold to the citizens of this state.

Section 3. 1. Sections 3 to 7 of this act shall be known and may be cited as the "Tobacco Manufacturers Medicaid Responsibility Act".

2. For purposes of sections 3 to 7 of this act, the following terms shall mean:

(1) "Tobacco manufacturer", any person engaged in the process of designing, fabricating, assembling, producing, constructing or otherwise preparing tobacco products, including packaging or labeling of such products, with the intended purpose of selling the product for gain or profit. Tobacco manufacturer does not include persons whose activity is limited to growing natural leaf tobacco or selling tobacco products at wholesale or retail to customers;

(2) "Tobacco product", any product containing or derived from tobacco leaf that is designed or commonly used for smoking or chewing.

Section 4. 1. To the extent that the department of social services provides, has provided, or is likely to provide, any medical assistance pursuant to this chapter for any injury, disease or disability arising from or connected with the use of any tobacco product, the state shall be entitled to full recovery from any tobacco manufacturer

for the full amount paid, or likely to be paid in the future, for such medical assistance and for any other relief, including punitive damages, legal and administrative fees and expenses.

2. An action may be brought to obtain such recovery either in the name of the attorney general, the state or the department of social services, and may be brought in any county of the state where any such medical services have been provided.

3. The right of the department, the state or the attorney general to bring such an action against a tobacco manufacturer pursuant to this section shall be independent of and not construed to affect any rights or causes of action by the individual recipient to recover damages as a result of a tobacco-related health condition.

4. Existing common law and statutory actions available to the attorney general, the state or the department to recover Medicaid expenditures from a tobacco manufacturer, including direct actions or actions in subrogation to the rights of the Medicaid recipient, are expressly preserved. Any action brought pursuant to sections 3 to 7 of this act may be brought in addition to any existing common law or statutory action, or both, and shall not preempt or extinguish such actions.

Section 5. 1. In any action brought pursuant to sections 3 to 7 of this act:

(1) Principles of common law and equity regarding assignment, lien, subrogation, comparative negligence, assumption of risk and other affirmative defenses normally available to a defendant are abrogated to the extent necessary to ensure full recovery;

(2) Joint and several liability applies to any judgment obtained against more than one tobacco manufacturer;

(3) The state, the department or the attorney general shall be permitted to proceed under a market share theory, provided that the tobacco products involved are substantially interchangeable among brands, and substantially similar factual and legal issues would be involved in seeking recovery against each individual tobacco manufacturer. In the event the state elects to proceed under a market share theory, the concept of joint and several liability shall not apply;

(4) The state, the department or the attorney general may bring an action to recover amounts paid for medical services rendered to any one Medicaid recipient or, where such an action may involve common questions of law or fact, for any identifiable class of Medicaid recipients. Where recovery is sought for services rendered to a class of Medicaid recipients, the identity of each individual recipient for which payment has been made shall not be required to be disclosed and recovery shall be based on the total of payments made on behalf of the entire class as such;

(5) The rules of evidence shall be liberally construed and applied regarding the issues of causation and damages and, notwithstanding any substantive or procedural rule of law to the contrary, the issues of causation and damages in any such action may be proved by the use of statistical analysis alone;

(6) No defendant tobacco manufacturer shall be entitled to any offset against the state's damages in the amount of any tax revenue from the sale of cigarettes that the state may have received, nor shall any defendant tobacco manufacturer be entitled to any offset against the state's damages in the amount of the cost of the medical services that the state might have had to provide with respect to any single Medicaid recipient or class of Medicaid recipients had such recipient or recipients not been killed by, or in part because of, the tobacco manufacturer's tobacco products.

2. The state, the department or the attorney general may bring an action pursuant to sections 3 to 7 of this act within the later of five years after the first medical service for a tobacco-related illness, injury or disability is provided to the Medicaid recipient, or five years after the death of such recipient. Where the action is to recover for medical services rendered to a class of Medicaid recipients, the action is timely if brought within the later of five years after the first provision of services to any member of the class or five years after the death of the last surviving member of the class.

Section 6. If any provision of sections 3 to 7 of this act is ruled void or unenforceable for any reason, the courts shall be authorized to fashion the minimally necessary remedy to render the provision enforceable and shall give full effect to all other provisions of sections 3 to 7 of this act.

Section 7. It is the intent of the legislature that sections 3 to 7 of this act be deemed applicable to any action by the state, the attorney general or the department against any tobacco manufacturer that is filed after or pending at the time sections 3 to 7 of this act become effective.

Section 8. Sections 3 to 7 of this act shall become effective upon notice to the revisor of statutes by the attorney general that he has initiated a cause of action pursuant to section 2 of this act."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Quick, Mathewson, Singleton and Jacob.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Childers	Clay	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Rohrbach	Russell	Sims	Singleton
Steelman	Yeckel--14		
NAYS--Senators			
Bland	Caskey	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Schneider	Scott
Staples	Stoll	Wiggins--15	
Absent--Senators			
Banks	Mueller	Westfall--3	
Absent with leave--Senators			
Bentley	DePasco--2		

President Wilson assumed the Chair.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 417, Page 1, Section 1, Lines 1-8, by deleting said lines.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Kenney and Yeckel.

SA 2 failed of adoption by the following vote:

YEAS--Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Steelman
Yeckel--13			

NAYS--Senators

Bland	Caskey	Clay	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Scott
Staples	Stoll	Wiggins--15	

Absent--Senators

Banks	Mueller	Schneider	Westfall--4
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Absent with leave--Senators

Bentley	DePasco--2
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At the request of Senator Quick, **SB 417**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator Wiggins submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 261**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Quick submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 289**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 371, regarding Janet Lynn Silverstein Woodburn, St. Charles County, which was adopted.

Senator Sims offered Senate Resolution No. 372, regarding David A. Winton, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 373, regarding Mr. and Mrs. Charles Deutsch, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 374, regarding Carl R. Richardson, Sr., Malden, which was adopted.

Senator Howard offered Senate Resolution No. 375, regarding the late Richard Lee Toney, Piedmont, which was adopted.

Senator Mathewson offered Senate Resolution No. 376, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Talmadge E. "Tom" Thomas, Otterville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Annette Waugh, Doris Collins-Moore, Joan Vaughn Nelle and Mary P.

Jones, Kansas City.

Senator Yeckel introduced to the Senate, Betty Summa and 45 tenth grade students from Lindbergh High School, St. Louis; and Lindsey Oliver, Zach Foerstel, Jake Pressler and Andrea Rois were made honorary pages.

Senator Kenney introduced to the Senate, Preston, Justin and Jonathan Smith, Blue Springs; and Jonathan and Justin were made honorary pages.

Senator Steelman introduced to the Senate, Cassie Lane, Amanda Howe, Mandy Alcorn, Sarah Gray, Kristal Burkit, Kristal Sheperd and Sarah Callen, 4th grade students from Newburg.

Senator Stoll introduced to the Senate, Amy Woods, Festus.

Senator Russell introduced to the Senate, Craig Curry and Jan Delcour, Lebanon.

Senator Childers introduced to the Senate, Koni Turner, West Plains.

Senator Wiggins introduced to the Senate, Laura Taylor and her children, Hannah, Sarah and Joshua, Shirley Cosbohn and Margie Mordig, Kansas City; and Hannah, Sarah and Joshua were made honorary pages.

The President introduced to the Senate, Betsey Cronkite.

Senator Rohrbach introduced to the Senate, Ellen Twyman and forty-two fourth grade students from Tipton Elementary School.

Senator Quick introduced to the Senate, Mike and Terri Abel and their children, Kaitlyn and Michael Cole, Kansas City; and Michael Cole was made an honorary page.

Senator Wiggins introduced to the Senate, Amy M. McCloud and Joyce Coonce, Kansas City.

Senator Childers introduced to the Senate, Kendra E. Fredrickson and Carla Klein, Stone County.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Monica Hundt, Mat Boerner, Paul Lancia, Toby M. Kahr and Tom Schrautemeier, St. Charles; and Yvette Hubbman, St. Louis; student Senate members and advisors from St. Charles County Community College, St. Peters.

Senator Wiggins introduced to the Senate, John Zondra and Charlie Gotschall, Kansas City.

Senator Ehlmann introduced to the Senate, George Dames, O'Fallon.

Senator Graves introduced to the Senate, Marge Nipmeyer, Sue Judas, Rhonda McKenzie and Amy Murrain; and fourth grade students from Brookfield.

Senator Steelman introduced to the Senate, eighth grade students from Raymondville.

Senator Staples introduced to the Senate, Carmen Jackson, Rodney Ogden and sixteen students from Naylor R-II, Naylor, which was adopted.

On motion of Senator Jacob, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY--WEDNESDAY, MARCH 10, 1999

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: May we walk as a body, working together in all its diversity. And in those areas where we are more divided, help us find pathways to understanding and compromise through Your guidance as we pray together and serve together here in the Senate. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Jacob announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Bentley	Klarich--2		
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator Quick moved that **SCR 14** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SCR 14** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Kinder	Schneider--3	
	Absent with leave--Senators		
Banks	Bentley	DePasco	Klarich--4

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 518**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 500**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 474**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SJR 29**, begs leave to report that it has considered the same and recommends that the joint resolution do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 353**, with **SCA 1**; **SB 320** and **SB 445**, with **SCS**; **SB 426**; and **SB 399**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 353, with **SCA 1**, introduced by Senator Goode, entitled:

An Act to repeal sections 260.475 and 260.479, RSMo 1994, relating to fees on hazardous waste, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 353**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bentley	DePasco	Klarich--4

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 320, introduced by Senator Caskey and **SB 445**, introduced by Senator Mathewson, with **SCS**, entitled respectively:

An Act to amend chapter 162, RSMo, by adding thereto six new sections relating to an educational program for students who are blind or visually impaired.

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to screening for hearing loss in newborns.

Were called from the Consent Calendar and taken up by Senator Caskey.

SCS for **SBs 320** and **445**, entitled:

SENATE BILLS NOS. 320 and 445

An Act to amend chapters 162, 170, 191 and 376, RSMo, by adding thereto twelve new sections relating to programs for the disabled.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SCS** for **SBs 320** and **445** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SBs 320** and **445** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bentley	DePasco	Klarich--4

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bland moved that motion lay on the table, which motion prevailed.

SB 426, introduced by Senator Howard, entitled:

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 426** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bentley	DePasco	Klarich--4

Senator Mathewson assumed the Chair.

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 399, introduced by Senator Maxwell, entitled:

An Act to repeal section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to school finance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 399** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Mathewson	Maxwell	Mueller	Russell
Schneider	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	NAYS--Senators		
Graves	Kinder	Rohrbach	Sims--4
	Absent--Senators		
Quick	Scott	Staples--3	
	Absent with leave--Senators		
Banks	Bentley	DePasco	Klarich--4

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 339**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 339**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 339

An Act to repeal section 198.073, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 339** be adopted.

Senators Howard and Sims offered **SS** for **SCS** for **SB 339**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 339

An Act to repeal sections 198.073 and 198.115, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof four new sections relating to the same subject.

Senator Howard moved that **SS** for **SCS** for **SB 339** be adopted.

Senator Johnson assumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 3, Section 197.318, Line 20, by deleting the words "**most recent**" and inserting in lieu thereof the word "**last**".

Senator Sims moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 3, Section 197.318, Line 18, by deleting the words "**of at least**" and inserting in lieu thereof the words "**equal to or greater than**"; and

Further amend said bill, Page 3, Section 197.318, Line 20, by deleting the words "**most recent**" and inserting in lieu thereof the word "**last**".

Senator Rohrbach moved that the above substitute amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Howard, **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 516**, entitled:

An Act to repeal section 143.151, RSMo 1994, relating solely to personal exemptions for individual income tax and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 621**, entitled:

An Act to repeal sections 160.051, 160.053, 160.054 and 160.055, RSMo Supp. 1998, relating to summer school attendance prior to kindergarten, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 316, 660 and 203**, entitled:

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 788, 428 and 106**, entitled:

An Act to repeal sections 589.400, 589.410, and 589.417, RSMo Supp. 1998, relating to the registration of offenders, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 427, 40, 196 and 404**, entitled:

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 201**, entitled:

An Act to repeal sections 191.850, 191.857, 191.858 and 191.859, RSMo 1994, relating to the advisory assistive technology council, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 343**, entitled:

An Act to repeal sections 193.265, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 331.050, 335.061 and 335.071, RSMo 1994, and sections 324.203, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 334.100, 334.800, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.051, 335.066, 335.081 and 338.060, RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to the division of professional registration, and to enact in lieu thereof eighty new sections relating to the same subject, with penalty provisions and with an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 225**.

Emergency clause adopted.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Ehlmann offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the United States Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

WHEREAS, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

WHEREAS, an accurate and legal decennial census is necessary to properly apportion United States House of Representatives seats among the 50 states and to create legislative districts within the states; and

WHEREAS, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

WHEREAS, Article I, Section 2 of the United States Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

WHEREAS, Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House of Representatives; and

WHEREAS, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

WHEREAS, the United States Supreme Court, in No. 98-404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98-564, *Clinton, President of the United States, et al. v. Glavin, et al.*, ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

WHEREAS, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one person, one vote"; and

WHEREAS, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one person, one vote" legal protections, thus exposing the State of Missouri to protracted litigation over legislative redistricting plans to great cost to the taxpayers of the State of Missouri, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

WHEREAS, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

WHEREAS, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post census local review:

NOW, THEREFORE, BE IT RESOLVED, that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, opposes the use of P.L. 94-171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, demands that it receive P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and

BE IT FURTHER RESOLVED that the secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, Majority Leader of the United States Senate, and the Vice President and President of the United States.

RESOLUTIONS

Senators Caskey and Mathewson offered Senate Resolution No. 377, regarding the One Hundredth Birthday of Ella F. Fitzgerald, Higginsville, which was adopted.

Senator Caskey offered Senate Resolution No. 378, regarding Robert L. Briggs, II, Cleveland, which was adopted.

Senator Graves offered Senate Resolution No. 379, regarding the Twentieth Anniversary of the Carroll County Health Department, which was adopted.

Senator Graves offered Senate Resolution No. 380, regarding the One Hundredth Birthday of Veronica Roberts, Chillicothe, which was adopted.

Senator Jacob offered Senate Resolution No. 381, regarding the Ninetieth Birthday of Mrs. Catherine Farmer, Columbia, which was adopted.

On motion of Senator Jacob, the Senate adjourned until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

THIRD READING OF SENATE BILLS

SB 196, introduced by Senator DePasco, entitled:

An Act to repeal sections 86.450 and 86.457, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator DePasco, **SB 196** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Russell--2		
Absent with leave--Senators			
Banks	Bentley	Klarich--3	

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 197, introduced by Senator DePasco, entitled:

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.447, 86.620 and 86.672, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof nine new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator DePasco, **SB 197** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Banks	Bentley	Klarich--3	

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 405**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 405**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 405

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **SB 405** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 405** was declared perfected and ordered printed.

Senator Howard moved that **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Howard offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 1, Line 4 of said page, by striking the words: "equal to or greater than" and inserting in lieu thereof the word: "**over**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SSA 1** for **SA 1**, as amended, be adopted.

At the request of Senator Howard, **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **SB 309**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Singleton, the above amendment was withdrawn.

Senator Maxwell offered **SS** for **SB 309**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 309

An Act to repeal section 43.050, RSMo Supp. 1998, relating to public safety personnel, and to enact in lieu thereof one new section relating to the same subject.

Senator Maxwell moved that **SS** for **SB 309** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 309** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 177, introduced by Senator DePasco, entitled:

An Act to repeal section 556.061, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 177** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators			
Banks	Bentley	Klarich--3	

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 249**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 249**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 249

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to setup contractors for the manufactured housing industry, with penalty provisions and an expiration date.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 249** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SB 249** was declared perfected and ordered printed.

Senator Howard moved that **SB 338**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 338**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Was taken up.

Senator Howard moved that **SCS** for **SB 338** be adopted.

Senators Howard and Sims offered **SS** for **SCS** for **SB 338**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Senator Howard moved that **SS** for **SCS** for **SB 338** be adopted.

At the request of Senator Howard, **SB 338**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Mathewson moved that **SJR 23** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SJR 23**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 23

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

Senator Mathewson moved that **SS** for **SJR 23** be adopted, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Mathewson, **SS** for **SJR 23** was declared perfected and ordered printed.

Senator Schneider moved that **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1, 92, 111, 129** and **222**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1, 92, 111, 129 and 222

An Act to repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 287.203, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 536.031, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 287.160, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to the judiciary, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 1, 92, 111, 129 and 222** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 8, Section 287.203, Line 32, by inserting after all of said line the following:

"287.815. 1. Any person, sixty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twelve years, **any person, sixty years of age or older, who has served or who has creditable service in this state for an aggregate of fifteen years** or any person, fifty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twenty years, continuously or otherwise, as an administrative law judge or legal advisor, or both, of the division, and who, on or after August 13, 1984, ceases to hold office by reason of the expiration of his **or her** term, voluntary resignation, retirement [under the provisions of] **pursuant to** sections 287.812 to 287.855, or removal by the governor for any nondisciplinary reason, shall receive benefits as provided in sections 287.812 to 287.855. The twelve years', **fifteen years'** or twenty years' requirement of this section may be fulfilled by service as an administrative law judge or legal advisor, or both, of the division at any time prior to or after August 13, 1984. If a person appointed [under] **pursuant to** section 286.010, RSMo, or a chairman appointed [under] **pursuant to** section 295.030, RSMo, does not have twelve years' **or fifteen years'** service, **as required pursuant to this subsection**, as an administrative law judge or legal advisor, or both, but the person has served in the general assembly, each biennial assembly or partial biennial assembly either served or purchased shall be deemed and credited as two full years of creditable service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided by his **or her** service as a member of the general assembly.

2. Any aggregate of twelve **or fifteen years, as required by subsection 1 of this section**, or more of such service shall entitle the person to retirement benefits provided in sections 287.812 to 287.855 regardless of whether or not the person was so employed upon reaching sixty-five years of age. However, the retirement benefits shall not be paid to the person until that person attains sixty-five years of age.

3. If a person appointed [under] **pursuant to** section 286.010, RSMo, or [under] **pursuant to** section 295.030, RSMo, or [under] **pursuant to** section [621.105] **621.015**, RSMo, or an attorney or legal counsel appointed or employed [under] **pursuant to** section 286.070, RSMo, does not have **the** twelve years' **or fifteen years'** service **required by subsection 1 of this section** as an administrative law judge or legal advisor, or both, but the person has creditable service [under] **pursuant to** the Missouri state employees' retirement system, [he] **such person** may elect that such service be credited as service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided for other service. Persons appointed [under] **pursuant to** section [621.105] **621.015**, RSMo, shall be required to have served a majority of a term in order to qualify for benefits pursuant to sections 287.812 to 287.855."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 8, Section 287.203, Line 32,

by inserting after all of said line the following:

"287.460. 1. The division, through an administrative law judge, shall hear in a summary proceeding the parties at issue and their representatives and witnesses and shall determine the dispute by issuing the written award within ninety days of the last day of the hearing. The hearing shall be concluded within thirty days of the date of commencement of the hearing, except in extraordinary circumstances where a lengthy trial or complex issues necessitate a longer time than ninety days. All evidence introduced at any such hearings shall be reported by a competent reporter appointed by the division or be recorded by electronic means. The award, together with a statement of the findings of fact, rulings of law and any other matters pertinent to the question at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately be sent by United States mail to the parties in dispute and the employer's insurer.

2. Each administrative law judge shall prepare, print and make available pertinent rules of procedure to govern procedural matters, including but not limited to the admission of evidence and testimony, in hearings conducted by such administrative law judge.

3. The division of workers' compensation shall develop by rule procedures whereby mediation services are provided to the parties in a claim for workers' compensation benefits whereby claims may be mediated by the parties at a prehearing conference when the division determines that a claim may be settled or upon application for a mediation settlement conference filed by either party.

[3.] **4.** The division may require the parties to produce at the mediation conference all available medical records and reports. Such mediation conference shall be informal to ascertain the issues and attempt to resolve the claim or other pending issues. Such mediation conference may be set at any time prior to the commencement of the evidentiary hearing and nothing in this section shall be interpreted to delay the setting of the matter for hearing. Upon the request of any party, a person providing mediation settlement services shall be disqualified from conducting any evidentiary hearing relating to the claim without limiting the rights conferred by section 287.810."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 1, SB 92, SB 111, SB 129** and **SB 222**, with **SCS**, as amended, and **SA 2** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 487**, entitled:

An Act to repeal section 556.036, RSMo Supp. 1998, relating to statute of limitations, and to enact in lieu thereof one new section for the sole purpose of extending the statute of limitations for false affidavits and false declarations made to a public official concerning child support arrearages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 568**, entitled:

An Act to repeal section 213.055, RSMo Supp. 1998, relating to unlawful employment of firefighters and law

enforcement officers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 145**, entitled:

An Act to repeal section 393.285, RSMo 1994, relating to reports to the state water pollution board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 589**, entitled:

An Act to authorize the conveyance of state property to the city of Farmington.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 708**, entitled:

An Act to repeal section 442.586, RSMo 1994, relating to titles and conveyance of real estate, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 409**, entitled:

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 607**, entitled:

An Act to repeal section 191.686, RSMo Supp. 1998, relating to HIV testing, and to enact in lieu thereof one new section for the sole purpose of adding one new HIV testing site.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 893**, entitled:

An Act relating to the creation of a 911 day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 866**, entitled:

An Act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 867**, entitled:

An Act to amend chapter 336, RSMo, relating to powers of the board of optometry by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 861**, entitled:

An Act to repeal section 34.140, RSMo Supp. 1998, relating to the distribution of state surplus property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 528**, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred **SB 412**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Parks and Tourism, to which was referred **SB 423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 382, regarding the Ninety-fifth Birthday of Cleo M. Hobbs, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 383, regarding the Ninetieth Birthday of Fern Rischer, Maryville, which was adopted.

Senator Schneider offered Senate Resolution No. 384, regarding Benjamin Joseph Eye, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 385, regarding Dr. Allan R. Schindler, St. Louis, which was adopted.

Senator Jacob offered Senate Resolution No. 386, regarding the Columbia School District's Evening Science Program, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Caskey, the President introduced to the Senate, Dr. Shari Garber Bax, Chad Underwood, Cory Smith, Connie Fetterling, Jason Woodson, Andrew Garnett, Nicholas Knudtson, Steven Jones, Chastity Spencer, Amanda Allen and Jeff Wallace, Warrensburg.

Senator Westfall introduced to the Senate, Mr. and Mrs. Lonnie Owens, and their children, Ainey, Amber, Austin, Aaron, Ashton and Autumn, Fair Grove; and Austin, Aaron and Ashton were made honorary pages.

Senator Westfall introduced to the Senate, Sara Lampe and Gary Kellner, Springfield.

Senator Caskey introduced to the Senate, Rudy Romdall, Clinton.

Senator Sims introduced to the Senate, Diane Chong, Mary Yvah and Janet Blauvelt.

Senator Bland introduced to the Senate,

Yvonne Wilson, Judy Johnson, Lillie A. Owens, Janice E. Owens, Melanie A. Bailey, Nancy C. Butler and Cynthia Jackson, Kansas City.

Senator Graves introduced to the Senate, thirty students from Northwest Missouri State University, Maryville.

Senator Mathewson introduced to the Senate, Skyler Williamson, Warsaw; and Skyler was made an honorary page.

Senator Yeckel introduced to the Senate, Ree and Gene Herbig, and their daughter, Cindy, St. Louis County; Claudia Laubstein, Sandra Olsinski and Jessica Kneissler, Germany; Natalia Gomez, Paraguay; and Maria Medina, Equador.

Senator Wiggins introduced to the Senate, Ken Bovar, Kim Curtis, Cathy Linzie, Bev Hatley, Dee Ann Stock, Leon Kinchelow, Kathleen I. Maguire, Doris Kinchelow and Vickie Wolgast, members of the South Kansas City and Grandview Chambers of Commerce.

On motion of Senator Jacob, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY--THURSDAY, MARCH 11, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious Father, Creator and Renewer of life: Today we reach the halfway point in this session and look forward to the Spring Break. May we use this break to get away from the many stressors and divided time between here and home that saps our energy and wears down our souls. May we use this time for that which is intended to re-create our bodies and minds, to lovingly spend time with those You have given us to love, and to renew our spirits and walk closer with You, our God. All this we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Banks	Bentley	Klarich--3	
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 387

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Eugene Paul Mitchell of Kansas City; and

WHEREAS, Mr. Mitchell, a native of Kansas City was a graduate of Rockhurst College and Georgetown School of Law and practiced law in Kansas City for 50 years, retiring in 1997 from the firm he founded, Mitchell, Kristi and Lieber; and

WHEREAS, Mr. Mitchell was a United States Army veteran, serving as an officer in the 96th Infantry Division in World War II; and

WHEREAS, Mr. Mitchell was a member of the American Bar Association, the Lawyers Association of Kansas City, the American Health Lawyers Association, the Missouri Society of Hospital Attorneys, was an Honorary Director of Rockhurst College, a member of the Rockhurst College Heritage Society, a member of the St. Joseph Health Center Advisory Council and past president of the Blue Hills Country Club; and

WHEREAS, Mr. Mitchell was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, Eugene Paul Mitchell, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and extend to his wife, Mrs. Norma Ann Lieber Mitchell, family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Norma Ann Lieber Mitchell; his sons, Dr. Eugene Patrick Mitchell, Dr. Michael John Mitchell, James Francis Mitchell and Thomas Claxton Mitchell; his daughters, Ann Hoffman, Madge Schmank, Norma Gene "Nonie" Newman, and Milly Mitchell-Danciger; his sisters, Mary Fahey, Sister Margaret Marie Mitchell; Rockhurst College; and Mitchell, Kristi and Lieber.

Senator Wiggins offered the following resolution, which was adopted.

SENATE RESOLUTION NO. 388

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of John Dennis Mullane of Kansas City; and

WHEREAS, Mr. Mullane, a native of Kansas City was a graduate of LaSalle High School; and

WHEREAS, Mr. Mullane was a veteran of the United States Marine Corps in World War II, having received an Honorable Discharge as a corporal, receiving a Distinguished Service Citation for bravery in Bougainville, British Solomon Islands combat on Guam, Marinas Islands, and Iwo Jima, Volcano Islands, while at the same time winning a Golden Gloves title in his weight class on Guam; and

WHEREAS, Mr. Mullane began a career in sales, first with Continental Electric Company, then as Regional Sales Manager for Anheuser-Busch Company, later as national Sales Manager for Universal Cabinet Company, finally retiring from Commerce Clearing House in 1987; and

WHEREAS, Mr. Mullane was founder of P-3 (Performance 3) group of Alcoholics Anonymous, expending tireless efforts to work with others in need particularly men and women in prisons and hospitals in the Kansas City area and across the country; and

WHEREAS, Mr. Mullane was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, John Dennis Mullane, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and to his fellow human beings, and express most sincere sympathy on his death to his family and many friends; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his daughters, Mary Mullane Swar, Helen T. Mullane Wood, Jane Marie Mullane Lowery; his son, Timothy P. Mullane; his sister, Helen Jankowski; Christ the King Church; P-3 Alcoholics Anonymous; and Ancient Order of Hibernicus.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 205**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 205, Page 5, Section 226.540, Line 43, by striking the words "as conforming structures" and inserting in lieu thereof the following: "**and shall be considered conforming structures. Any structures which are classified as nonconforming prior to August 28, 1999, shall continue to be considered nonconforming under the provisions of this section**"; and

Further amend said bill and section, page 6, line 73, by striking the word "as a conforming structure" and inserting in lieu thereof the following: "**and shall be considered a conforming structure. Any structure which is classified as nonconforming prior to August 28, 1999, shall continue to be considered nonconforming under the provisions of this section**"; and

Further amend said bill, page and section, line 78, by striking the word "as a conforming structure" and inserting in lieu thereof the following: "**and shall be considered a conforming structure. Any structure which is classified as nonconforming prior to August 28, 1999, shall continue to be considered nonconforming under the provisions of this section**".

Senator Westfall moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 205, Page 5, Section 226.540, Line 43, by inserting after the word "structures" as it appears the first time on the line, the following: "**; provided that, such mainten-ance, repair or rebuilding complies with current statutory authority, including but not limited to section 71.288, RSMo, and rules adopted by the department**"; and

Further amend said bill, Page 6, Section 226.540, Line 73, by inserting after the word "structure" the following: "**; provided that, such maintenance, repair or rebuilding complies with current statutory authority, including but not limited to section 71.288, RSMo, and rules adopted by the department**"; and

Further amend said bill, Page 6, Section 226.540, Line 78, by inserting after the word "structure" the following: "**; provided that, such maintenance, repair or rebuilding complies with current statutory authority, including but not limited to section 71.288, RSMo, and rules adopted by the department**".

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Westfall, **SB 205**, with **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 225**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 225**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 225**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 14** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 14**.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 443**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 461**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 192**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Quick referred **SCR 18** to the Committee on Rules, Joint Rules and Resolutions.

Senator Mathewson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SB 335**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 16**, begs leave to

report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the Department of Conservation has indicated it may support the reestablishment of wild elk herds in Missouri; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to fences and crops; and

WHEREAS, since the elk is the largest member of the cervidac (deer) family, the presence of wild elk herds may present a hazard to motorists:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to reconsider any movement toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the Director of the Department of Conservation.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 309** and **SS** for **SJR 23**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 205**, with **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Howard, Westfall and Schneider.

Senator Johnson assumed the Chair.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS--Senators

Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Mathewson	Quick	Schneider	Sims
Singleton	Steelman	Stoll	Wiggins--16
	NAYS--Senators		
Caskey	Childers	Graves	Johnson
Kenney	Maxwell	Mueller	Rohrbach
Russell	Westfall	Yeckel--11	
	Absent--Senator Kinder--1		
	Absent with leave--Senators		
Banks	Bentley	Bland	Klarich
Scott	Staples--6		

On motion of Senator Westfall, **SB 205**, as amended, was declared perfected and ordered printed.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

Senator Goode moved that **SB 19**, with **SCS, SS** for **SCS, SA 4** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Quick ruled the pending point of order not well taken.

Senator Mathewson assumed the Chair.

SA 4 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 32, Section 303.179, Line 13 of said page, by inserting after all of said line the following:

"303.190. 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; [and]

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident; **and**

(3) May exclude coverage against loss from liability imposed by law for damages arising out of the use of such motor vehicles by a member of the named insured's household who is a specifically excluded driver in the policy.

3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the said territorial limits and subject to the same limits of liability as are set forth above with respect to any owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

5. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection 2 of this section;

(4) The policy, the written application thereof, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

10. The requirements of a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the

requirement for such a policy."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 10, Section 301.140, Line 22 of said page, by striking "fifteen" and inserting in lieu thereof the following: "**thirty**"; and

Further amend said bill and section, page 11, line 7, by striking "fifteen" and inserting in lieu thereof the following: "**thirty**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Lines 6 and 7, by striking the following: "the registration and inspection of"; and

Further amend the title, line 10, by inserting immediately after the word "sections" the following: ", and with an emergency clause for a certain section"; and

Further amend said bill, page 19, section 302.303, line 2, of said page, by inserting immediately after said line the following:

"302.321. 1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this state and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Driving while revoked is a class A misdemeanor **on the first conviction**. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. **Driving while revoked is a class D felony on the second or subsequent conviction.**"; and

Further amend said bill, page 69, Section C, line 21 of said page, by inserting after all of said line the following:

"Section D. Because immediate action is necessary to protect the citizens of this state from repeat traffic offenders, section 302.321 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 302.321 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rohrbach offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 41, Section 307.360, Line 9, by striking the opening "[" and closing "]" and bold face language on said line; and further amend said bill, section and page, lines 16-22, by striking the opening and closing bracket on line 16 and all the bold face language on lines 17 through 22.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 69, Section 643.315, Line 21, by adding following said line:

"Section D. For the purposes of this act, motor vehicle shall include every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor."; and further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Goode offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Lines 6-7, by striking the words "the registration and inspection of"; and

Further amend said bill, Page 14, Section 301.147, Line 19 of said page, by inserting after all of said line the following:

"301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the

transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue." On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of one hundred dollars, shall be imposed, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which he should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any application for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been issued as herein provided.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highway fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue, shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highway fund.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety and emissions inspections required in chapter 307, RSMo, shall be completed and only the fees required by sections 307.365 and 307.366, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle under another state's abandoned motor vehicle procedures, shall, in lieu of the inspection required by subsection 10 of section 301.190, RSMo, be inspected by the Missouri state highway patrol in accordance with subsection 9 of section 301.190, RSMo. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation.

[12.] 13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

[13.] 14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section."; and

Further amend said bill, Page 32, Section 303.179, Line 13 of said page, by inserting after all of said line the following:

"304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for forty-eight hours;

- (c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or
- (d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
- (2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;
- (3) Any abandoned property which has been abandoned under section 577.080, RSMo;
- (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;
- (5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;
- (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
- (7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or
- (8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010, RSMo, where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water.
2. The state transportation department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the roadway of any state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under section 5103(a) of Title 49, U.S.C.
- 3. Any law enforcement agency authorizing a tow under this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report.** Any state or federal government agency other than a law enforcement agency authorizing a tow under this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within [one hour] **two hours** of the tow along with a [description of the abandoned property sufficient to make a criminal] **crime inquiry and inspection report** as required in this section. **Any local government agency, other than a law enforcement agency, authorizing a tow under this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.**
4. Neither the law enforcement officer, **government agency official** nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property under this section or **under authority of a law enforcement officer or local government agency under** section 304.157, the law enforcement agency that authorized such towing or was properly notified **by another government agency** of such towing shall **promptly** make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. **If the abandoned property is not claimed within ten working days of the towing**, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue[, on any unclaimed abandoned property, within ten working days of the towing of the abandoned property]. **A towing company in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed.** The crime inquiry and inspection report shall **be designed by the director of revenue and shall** include the following:

- (1) The year, model, make and property identification number of the property **and the owner and any lienholders, if known**;
- (2) A description of any damage to the property noted by the [law enforcement] officer **authorizing the tow**;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed property;
- (5) The name, telephone number and address of the towing company;
- (6) The date, place and reason for the towing of the abandoned property;
- (7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. **This information shall be entered only by the law enforcement agency making the inquiry**;
- (8) The signature and printed name of the [law enforcement] officer **authorizing the tow** and the towing operator; and
- (9) Any additional information the director of revenue deems appropriate.

7. [The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms will be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

8.] One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

[9.] **8.** The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

[10.] **9.** Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record.

Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

[11.] **10.** Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain [a copy of the law enforcement officer's] **information regarding the** authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, and information concerning the final disposition of the possession of the abandoned property.

[12.] **11.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

304.156. 1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner [and/or] **and** lienholder, if any. After ascertaining the name and address of the owner [and/or] **and** lienholder, if any, the department shall, within fifteen working days, notify the towing company [and owner or lienholder]. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner [and/or] **and any** lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following:

- (1) The name, address and telephone number of the storage facility;
- (2) The date, reason and place from which the abandoned property was removed;
- (3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
- (4) A statement that the storage firm claims a possessory lien for all such charges;
- (5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
- (6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal;
- (7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
- (8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall

remain a liability of the owner.

2. A towing company may **only** assess **reasonable** storage charges for abandoned property **towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed** only for the time in which it complies with the procedural requirements of [this section] **sections 304.155 to 304.158.**

3. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section, good faith effort means that the following checks have been performed by the company to establish the prior state of registration and title:

(1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;

(2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

(3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

(4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection [6] **7** of this section.

5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided.

(2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof.

(3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed.

6. A towing and/or storage lien shall be enforced as provided in subsection 7 of this section.

7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in

possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection [4] **5** of this section, the lienholder in possession may apply to the director of revenue for [a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report] **a certificate**. The application for title shall be accompanied by:

(1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges;

(2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in this section;

(3) A copy of the abandoned property report or crime inquiry and inspection [form] **report**;

(4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record [has received] **was sent a notice as required in this section; and**

(5) A copy of the envelope or mailing container showing the address and postal markings indicating that the notice was "not forwardable" or "address unknown".

8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section.

9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158.

10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for [a junking certificate or salvage certificate of title designated with the words "salvage/abandoned property"] **a certificate**. Anyone convicted of a violation of this section shall be guilty of an infraction.

11. Any persons who have towed abandoned property prior to August 28, 1996, may, [within one year after August 28, 1996] **until January 1, 2000**, apply to the department of revenue for [either a junking certificate or a salvage certificate of title designated with the words "salvage/abandoned property" to such property] **a certificate**. The application shall be accompanied by:

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(3) The current location of the abandoned property;

(4) An inspection of the abandoned property as prescribed [in section 304.155] **by the director**; and

(5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue [a salvage certificate of title designated with the words "salvage/abandoned property" or a junking certificate.] **one of the following:**

- (1) An original certificate of title if the vehicle owner has obtained a vehicle examination certificate as provided in section 301.190, RSMo, which indicates that the vehicle was not previously in a salvaged condition or rebuilt;**
- (2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190, RSMo, indicates the vehicle was previously in a salvage condition or rebuilt;**
- (3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report;**
- (4) Notwithstanding the provision of section 301.573, RSMo, to the contrary, if satisfied with the genuineness of the application and supporting documents, the director shall issue an original title to abandoned property previously issued a salvage title as provided in this section, if the vehicle examination certificate as provided in section 301.190, RSMo, does not indicate the abandoned property was previously in a salvage condition or rebuilt.**

13. If the proceeds obtained by the towing company from sale of the abandoned property exceed the reasonable costs of towing and storage as allowed by law and the costs of retitling such property by more than one thousand dollars, such proceeds in excess of the costs and one thousand dollars shall be deposited with the state treasurer as unclaimed property pursuant to chapter 447, RSMo. The towing company shall include the last known address and any other identifying information about the owner and any lienholder if known who had an interest in the abandoned property at the time the towing company applied for title. The treasurer shall publish notice under section 447.541, RSMo, as required for other unclaimed property.

14. If abandoned property is insured and the insurer of property regards the property as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or lienholder shall claim and remove the property from the storage facility or make arrangements to transfer the title, and such transfer of title subject to agreement shall be in complete satisfaction of all claims for towing and storage, to the towing company or storage facility. The owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance policy covers towing and storage charges, shall pay reasonable fees assessed by the towing company and storage facility. The property shall be claimed and removed or title transferred to the towing company or storage facility within thirty days of the date that the insurer paid a claim for the total loss of the property or is notified as to the location of the abandoned property, whichever is the later event. Upon request, the insurer of the property shall supply the towing company and storage facility with the name, address and phone number of the insurance company and of the insured and with a statement regarding which party is responsible for the payment of towing and storage charges under the insurance policy.

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

- (1) The abandoned property is left unattended for more than forty-eight hours; or**
- (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.**

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government

agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report under section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

[2.] 4. The owner of real property or lessee in lawful possession of the real property **or the property or security manager of the real property** may authorize a towing company to remove abandoned property **or property parked in a restricted or assigned area** without authorization by a law enforcement officer only when the owner, lessee or [agent] **property or security manager** of the real property is present [and]. **A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only** under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property **or property parked in a restricted or assigned area** will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained **or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;**

(2) The abandoned property is [on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways,] **left unattended on owner-occupied residential property with four residential units or less, and** the owner [or], lessee [of the private property] **or agent of the real property in lawful possession** has notified the [city police or county sheriff, as] appropriate **law enforcement agency**, and [ninety-six] **ten** hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and [ten days] **ninety-six hours** have elapsed since that notification.

[3.] 5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall [within one hour of the tow file] **at that time complete** an abandoned property report [with the appropriate law enforcement agency where the property is located] **which shall be considered a legal declaration subject to criminal penalty under section 575.060, RSMo.** The report shall **be in the form designed, printed and distributed by the director of revenue and shall** contain the following:

(1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known;**

(2) A description of any damage to the **abandoned** property noted by owner [or lessee], **lessee or property or security manager** in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The [signature and] printed name, **address and phone number** of the owner [or lessee], **lessee or property or security manager** in possession of the real property; [and]

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

[(7)] (10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and

(11) Any additional information the director of revenue deems appropriate.

[The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two hours if the tow was made from a signed location under subdivision (1) of subsection 4; otherwise, the report shall be delivered within twenty-four hours.

[4.] 7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and [within five days of such filing] shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

[5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7.] 8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall [record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.] search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

[8.] 9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation

[pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2] of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

304.158. 1. [The person or agency causing] **Notice as to the** removal of any abandoned property under section 304.155 or 304.157 shall[, if the person or agency knows the registered owner or lienholder,] **be made in writing** within five working days[, give notice in writing] to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and [indicate] the place to which the property has been removed **by either:**

(1) The public agency authorizing the removal; or

(2) The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal.

2. Any owner of any private real [estate] **property** causing the removal of abandoned property from that real [estate] **property** shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

(1) Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

(2) The removal of property other than the property specified by the owner of the private property from which the abandoned property was removed.

3. The owner of abandoned property removed from private property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

4. Any owner of any private property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this section or [to state the grounds for the removal of the property if requested by the registered owner of the abandoned property as required by subsection 2 of this section] **section 304.157.**

5. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

7. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this section shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. [Persons operating or in charge of any storage facility which is not operated by the state, a county or municipality, which is located in an area with a population in excess of fifty thousand at a density at or greater than one thousand persons per square mile, and where the abandoned property is stored pursuant to this section shall accept a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or

accident whereby the towing company or storage facility may then demand payment in the form of cash. A person operating or in charge of such storage facility who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of the abandoned property for four times the amount of the towing and storage charges, but not to exceed five hundred dollars.] In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction.

8. [A] **Except for the removal of abandoned property authorized by a law enforcement agency under section 304.157, a towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one year by the towing company. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal.**

9. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection 8 of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of this section.

10. Any county, city, town or village may enact ordinances or orders which are consistent with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the governmental entity's jurisdiction.

11. Any person who knowingly violates any provision of sections 304.155 to 304.158 shall be guilty of a class A misdemeanor. Any violation of the provisions of this section shall constitute a violation of the provisions of section 407.020, RSMo. In any proceeding brought by the attorney general for a violation of the provisions of this section, the court may, in addition to imposing the penalties provided for in this section order the revocation or suspension of the registration or license of the towing company.

304.159. 1. Any city, town, or village within this state may prohibit, by ordinance, the storage of inoperable vehicles or other vehicles deemed by such city, town, or village to constitute a public safety hazard. Nothing in this section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

2. Upon a showing of probable cause of the existence of such inoperable or hazardous vehicles by the sworn application of any law enforcement official or code official designated by the city, town or village, the municipal judges of any city, town, or village are hereby authorized to issue to law enforcement officials and code officials warrants to enter private premises for inspection and abatement of such conditions by towing or otherwise.";
and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 10** is out of order in that it goes beyond the scope of the subject matter of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Kenney offered **SA 1** to **SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 24, Section 304.156, Lines 15-26, by deleting all of said lines; and by further renumbering the remaining subsection accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Goode moved that **SA 10**, as amended, be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Flotron moved that the vote by which **SA 7** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senator Kinder--1

Absent with leave--Senators

Banks	Bentley	Klarich	Scott
Staples--5			

SA 7 was again taken up.

Senator Flotron offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 1, In the Title, Lines 6 and 7, by striking the following: "the registration and inspection of"; and

Further amend the title, line 10, by inserting immediately after the word "sections" the following: ", and with an emergency clause for a certain section"; and

Further amend said bill, page 19, section 302.303, line 2, of said page, by inserting immediately after said line the following:

"302.321. 1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this state and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Driving while revoked is a class A misdemeanor **on the first conviction**. No court shall suspend the imposition of

sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. **Driving while revoked is a class D felony on the second or subsequent conviction, pursuant to 577.010, RSMo or a fourth or subsequent conviction for any other offense.**"; and

Further amend said bill, page 69, Section C, line 21 of said page, by inserting after all of said line the following:

"Section D. Because immediate action is necessary to protect the citizens of this state from repeat traffic offenders, section 302.321 of this act, is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 302.321 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **SCS** for **SB 19**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 19**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 249** and **SCS** for **SB 405**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 490**, entitled:

An Act relating to the establishment of the family care safety act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 246** and **405**, entitled:

An Act to repeal sections 32.111, 32.112, 32.115 and 135.530, RSMo Supp. 1998, relating to housing tax credit needed to preserve neighborhoods and to rebuild communities, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 261**, entitled:

An Act to repeal section 94.655, RSMo Supp. 1998, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 389, regarding Charles Hargrove, Columbia, which was adopted.

Senator Goode offered Senate Resolution No. 390, regarding William K. Ratchford, Woodson Terrace, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Randy Jennings, Bernie; and Fred Stemme, Ashland.

Senator Maxwell introduced to the Senate, forty fourth grade students from McMillan School, Mexico.

Senator Rohrbach introduced to the Senate, Diana Ailworth and twenty-two fourth grade students from Prairie Home.

Senator Yeckel introduced to the Senate, Karen Villa and sixty-seven eighth grade students from St. Margaret Mary Alacoque School, St. Louis; and Bill Reinhardt, Steve Ahillen, Kara Baker and Michelle Sinclair were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 11:00 a.m., Thursday, March 18, 1999.

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY--THURSDAY, MARCH 18, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

RESOLUTIONS

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 391, regarding Christopher Lawrence, West Plains, which was adopted.

On behalf of Senator DePasco, Senator Wiggins offered Senate Resolution No. 392, regarding Milton E. Warriner, Shawnee, Kansas, which was adopted.

On behalf of Senator DePasco, Senator Wiggins offered Senate Resolution No. 393, regarding Carolyn Berbiglia, Kansas City, which was adopted.

On behalf of Senator DePasco, Senator Wiggins offered Senate Resolution No. 394, regarding Nations Bank/Old Northeast, Incorporated development project, which was adopted.

On behalf of Senator Caskey, Senator Wiggins offered Senate Resolution No. 395, regarding Petty Officer Mark C. Friend, Fort Scott, Kansas, which was adopted.

On behalf of Senator DePasco, Senator Wiggins offered Senate Resolution No. 396, regarding Phi Theta Kappa's All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 397, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Charles Loucks, Mound City, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 398, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clifford McFadden, Gower, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 399, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. George N. McFee, Cameron, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 400, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Watts, Union Star, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 401, regarding Natalie Miller, Carrollton, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 402, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Pinnick, Trenton, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 403, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Dinsmore, Meadville, which was adopted.

On behalf of Senator Graves, Senator Wiggins offered Senate Resolution No. 404, regarding Shirley A. Gawatz, St. Joseph, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 405, regarding Helen Gaines, Dexter, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 406, regarding the Zeta XI Chapter of Beta Sigma Phi, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 407, regarding the Xi Delta Pi Chapter of Beta Sigma Phi, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 408, regarding the Women for Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 409, regarding the Wednesday Music Club, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 410, regarding the Theta Rho-Beta Sigma Phi, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 411, regarding the Semo Little Theatre Group, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 412, regarding the Rotary Club of Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 413, regarding the Lafemme Club, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 414, regarding the Ladies Auxiliary Eagles of Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 415, regarding the Kiwanis Club of Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 416, regarding the Kennett Progress Club, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 417, regarding the Kennett Lions Club, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 418, regarding the Kennett Jaycees, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 419, regarding the Kennett Federated Garden Club, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 420, regarding the Kennett Business and Professional Women's Club, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 421, regarding the Fraternal Order of Eagles, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 422, regarding the Azalea Garden Club, Kennett, which was adopted.

On behalf of Senator Howard, Senator Wiggins offered Senate Resolution No. 423, regarding the Adelphian Civic Club, Kennett, which was adopted.

On behalf of Senator Rohrbach, Senator Wiggins offered Senate Resolution No. 424, regarding Margaret A. Stegeman, Jefferson City, which was adopted.

On behalf of Senator Ehlmann, Senator Wiggins offered Senate Resolution No. 425, regarding Michael Rankin, O'Fallon, which was adopted.

On behalf of Senator Schneider, Senator Wiggins offered Senate Resolution No. 426, regarding the Honorable Louis M. Kohn, Creve Coeur, which was adopted.

On behalf of Senator Caskey, Senator Wiggins offered Senate Resolution No. 427, regarding the Ninetieth Birthday of Irene Nold, Montrose, which was adopted.

On behalf of Senator Kenney, Senator Wiggins offered Senate Resolution No. 428, regarding Betty Beal, Blue Springs, which was adopted.

On behalf of Senator Kenney, Senator Wiggins offered Senate Resolution No. 429, regarding Patrick Michael "Pat" Stamos, Independence, which was adopted.

On behalf of Senator Kenney, Senator Wiggins offered Senate Resolution No. 430, regarding Jackie C. Scarbrough, Oak Grove, which was adopted.

On behalf of Senator Schneider, Senator Wiggins offered Senate Resolution No. 431, regarding James A. Meiners, III, Florissant, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George R. Rose, Republican, 4905 Northwest Hillside Road, Riverside, Platte County, Missouri 64151, as Secretary and a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph H. Collison, Democrat, 545 Washington Street, Weston, Platte County, Missouri 64098, as Chairman and member of the Board of Election Commissioners for Platte County, for a term ending January 11, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Addison M. Williams, Jr., 1520 Rosevalley Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until his successor is duly appointed and qualified; vice, Eddie G. Brooks, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susanne B. Hoffmann, Democrat, 6308 Westminister, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2001, and until her successor is duly appointed and qualified; vice, Gerald P. Greiman, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

On motion of Senator Wiggins, the Senate adjourned until 4:00 p.m., Monday, March 22, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY--MONDAY, MARCH 22, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful God: Here we again gather and pray for Your angelic zeal that we might be about the tasks required of us this week. Support us and guide us as we struggle with decisions that must be made to produce the greatest good we are capable of providing. And we pray for Lester Marcum, our Sergeant-at-Arms, that You might walk with him and with his family as they have just begun their journey of grief that is as long and painful as the depth of their love for Nathalia. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 11, 1999, and Thursday, March 18, 1999, were read and approved.

Senator DePasco requested unanimous consent to correct the Senate Journal for Thursday, March 4, 1999, on Page 407, by showing Senator Bentley as "Present" rather than "Absent with Leave" on the attendance roll call, which request was granted.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Banks Scott--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 432, regarding the Reverend and Mrs. J. Arnold Bickel, California, which was adopted.

Senator Howard offered Senate Resolution No. 433, regarding Sherrie Straube, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 434, regarding Diane Sayre, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 435, regarding Brian K. Taylor, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 436, regarding Christy Ferrell, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 437, regarding the Business and Professional Women's Club, Caruthersville, which was adopted.

Senator Banks offered Senate Resolution No. 438, regarding the Fifteenth Anniversary of the Coalition of 100 Black Women, Metropolitan Saint Louis Chapter, which was adopted.

Senator Childers offered Senate Resolution No. 439, regarding Mary Moore, West Plains, which was adopted.

Senator Kenney offered Senate Resolution No. 440, regarding Michael Steven Van Becelaere, Lee's Summit, which was adopted.

Senator Kinder offered Senate Resolution No. 441, regarding Hoyt K. Kyle, Sikeston, which was adopted.

CONCURRENT RESOLUTIONS

Senator Johnson moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Johnson, **SCR 16** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Ehlmann	Graves	Scott--4

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 14**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill 14.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
- 3. That the attached Conference Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Richard Franklin
/s/ Deleta Williams
/s/ Charles Q. Troupe
/s/ Ken Legan
/s/ Charlie Shields

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Ehlmann	Graves	Scott--4

On motion of Senator Goode, **CCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Ehlmann	Graves	Scott--4

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Quick referred the Gubernatorial Appointments appearing on Page 507 of the Senate Journal for Thursday, March 18, 1999, to the Committee on Gubernatorial Appointments.

THIRD READING OF SENATE BILLS

SJR 25, introduced by Senators Rohrbach and Goode, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri relating to certain funds in the state treasury, and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SJR 25** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Ehlmann--1		
	Absent with leave--Senators		
Banks	Graves	Scott--3	

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator DePasco announced that photographers from Channel 13 had been given permission to take pictures in the Senate Chamber today.

SS for SCS for SB 335, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 335

An Act to repeal sections 195.275, 217.760, 455.085, 513.653, 558.016, 569.025, 569.035, 570.040 and 571.015, RSMo 1994, and sections 557.036, 558.011, 558.019, 559.026 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson assumed the Chair.

On motion of Senator Caskey, **SS for SCS for SB 335** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Howard	Jacob	Johnson	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Ehlmann	Graves	House	Kenney
Klarich	Russell--6		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SS for SB 289, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 289

An Act to repeal sections 162.857, 162.867 and 162.1100, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Goode, **SS** for **SB 289** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

SS for **SB 309**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 309

An Act to repeal section 43.050, RSMo Supp. 1998, relating to public safety personnel, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Staples assumed the Chair.

On motion of Senator Maxwell, **SS** for **SB 309** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Graves	Howard--2		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for **SJR 23**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 23

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SS** for **SJR 23** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Caskey	Childers	Graves	Russell
Singleton--5			
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SCS for **SB 249**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 249

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to setup contractors for the manufactured housing industry, with penalty provisions and an expiration date.

Was taken up by Senator Maxwell.

Senator Mathewson assumed the Chair.

On motion of Senator Maxwell, **SCS** for **SB 249** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Kinder--1			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 403, introduced by Senators Rohrbach and Goode, entitled:

An Act to repeal sections 33.285 and 33.577, RSMo 1994, relating to certain funds, and to enact in lieu thereof one new section relating to the same subject, with a contingent effective date.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SB 403** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 176, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 536.016, RSMo Supp. 1998, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 176**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 176

An Act to repeal section 536.016, RSMo Supp. 1998, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 176** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 176** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		

Absent--Senators--None

Absent with leave--Senators

Banks

Scott--2

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 364, introduced by Senator Ehlmann, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

Was called from the Consent Calendar and taken up.

On motion of Senator Ehlmann, **SB 364** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

Banks

Scott--2

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 466, with **SCA 1**, introduced by Senator Caskey, entitled:

An Act to repeal section 205.180, RSMo 1994, relating to elections of hospital trustees, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 466**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Rohrbach--1		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 326, introduced by Senator Goode, entitled:

An Act to repeal section 198.439, RSMo Supp. 1998, relating to nursing facility reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 326** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
Banks	Scott--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 205**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 741**, entitled:

An Act to repeal sections 213.111 and 213.112, RSMo Supp. 1998, relating to the human rights commission, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 920**, entitled:

An Act to repeal section 173.005, RSMo 1994, relating to an advisory committee of the coordinating board for higher education, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 834**, entitled:

An Act authorizing the director of the department of natural resources to convey an easement in Taum Sauk Mountain State Park.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 352**, entitled:

An Act relating to municipal fire departments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 791**, entitled:

An Act to repeal sections 253.081 and 253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to repeal section 51.155, RSMo Supp. 1998, relating to county clerks, and to enact in lieu thereof two new sections relating to the duties of certain officers in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 721**, entitled:

An Act to repeal sections 199.170, 199.180 and 199.230, RSMo 1994, relating to tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 779**, entitled:

An Act to repeal section 71.270, RSMo 1994, relating to vacation of certain streets and easements, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 795**, entitled:

An Act relating to electronic transmission of recordings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 853**, entitled:

An Act to repeal section 89.320, RSMo Supp. 1998, relating to planning commissions of municipalities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 796**, entitled:

An Act to repeal section 205.374, RSMo 1994, and section 205.190, RSMo Supp. 1998, relating to county hospital assets, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 778**, entitled:

An Act relating to the educational employees' memorial scholarship.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 776**, entitled:

An Act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 476**, entitled:

An Act to repeal section 79.070, RSMo 1994, relating to qualifications of certain city officials, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 800**, entitled:

An Act authorizing the director of the department of natural resources to convey various land rights in certain state park property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jill M. Hamilton, Democrat, 2624H Chessbrook Drive, Oakville, St. Louis County, Missouri 63129, as a public member of the Dam and Reservoir Safety Council, for a term ending June 25, 2000, and until her successor is duly appointed and qualified; vice, Terry L. Ware, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald P. Greiman, 7042 Westmoreland Drive, University City, St. Louis County, Missouri 63130, as a member of the Missouri State Employees Deferred Compensation Commission, for a term ending November 20, 1999, and until his successor is duly

appointed and qualified; vice, John Pelzer, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 225 entitled:

"AN ACT"

To repeal section 334.655, RSMo Supp. 1998, relating to physical therapist assistants, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On March 19, 1999, I approved said Senate Committee Substitute for Senate Bill No. 225.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, seventh grade students from Truman Middle School, St. Joseph.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY--TUESDAY, MARCH 23, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

In Second Chronicles 31:21 we read: "And every work that he undertook...seeking his God, he did it with all his heart." Let us Pray.

Gracious Father: Help us to focus this day with all our attention on one thing at a time. Help us avoid jumping from one project to another and thereby miss the person among the people and bill among bills needing what we only can provide. Help us use the intelligence and creativity You have provided us to make a difference while we are here. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 442

WHEREAS, the members of the Missouri Senate were deeply saddened to learn of the untimely death of one of their beloved staff members, Nathalia June Marcum of Rich Fountain, Missouri, who was baptized into the Hope of Christ's Resurrection on March 12, 1999; and

WHEREAS, the fifty-six-year-old Nathalia Marcum was born on November 29, 1942, in Russellville, Missouri, to Edwin O. and Norma June Weaver Jungmeyer; and

WHEREAS, a 1960 graduate of Russellville High School, Nathalia Marcum married Lester S. Marcum during joyful ceremonies which were held later that same year on the 26th of October in California, Missouri; and

WHEREAS, Nathalia Marcum always strove to improve her many career skills, and down through the years she attended Lincoln University, Nichols Career Center, and the Missouri State Highway Patrol communications school and law enforcement dispatching academy; and

WHEREAS, Supervisor of Typesetting for the Missouri State Senate, Nathalia Marcum had previously established her impressive reputation as a diligent and meticulous worker while serving as secretary to former Governor Kit Bond and as an employee of the Division of Employment Security and the Jefferson City Police Department; and

WHEREAS, a valued member of Sacred Heart Catholic Church in Rich Fountain, Nathalia Marcum was preceded in death by a beloved son, Michael S. Marcum; and

WHEREAS, the passing of Nathalia Marcum is mourned by her many colleagues and friends, but her loss will be most acutely felt by her extended family which consists of her parents; her loving husband; her three brothers, Dennis Jungmeyer of Little Rock, Arkansas, and Steven Jungmeyer and Kevin Jungmeyer of Jefferson City; daughter, Tina E. Eisterhold of Rich Fountain; son, Edwin V.L. Marcum of Jefferson City; and five grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to express this legislative body's most heartfelt condolences to the family, friends, and colleagues of Nathalia Marcum during this time of intense sorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Nathalia June Marcum, as an expression of our esteem for her.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 338**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 338** was again taken up.

Senator DePasco announced that photographers from Channel 8, the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

Senator Johnson assumed the Chair.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 10, Section 376.827, Lines 11-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

"3. A health insurance policy shall be construed to be in compliance with this section if the policy is issued by a federally-qualified health maintenance organization and in the discretion of the director provides coverage for mental health services that are equivalent to or exceed those coverages required by sections 376.825 to 376.833."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 8, Section 376.826, Lines 9-12 of said page, by striking all of said lines; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 9, Section 376.826, Lines 7-15 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(5) Mental illness", the following disorders contained in the International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and 297, except 297.3);

(b) Major depression, bipolar disorder, and other affective psychoses (296);

(c) Obsessive compulsive disorder, post-traumatic stress disorder and other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

(d) Early childhood psychoses, and other disorders first diagnosed in childhood or adolescence (299.8, 312.8, 313.81 and 314);

(e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1); and

(f) Anorexia nervosa, bulimia and other severe eating disorders (307.1, 307.51, 307.52 and 307.53);"; and

Further amend said bill, Page 10, Section 376.826, Line 6 of said page, by striking all of said line and inserting in lieu thereof the following: **"and other drug abuse services shall be provided under this act only to persons who are diagnosed with both a mental illness and an alcohol and other drug dependency. For persons who are suspected of suffering from both a mental illness and an alcohol and other drug abuse dependency, such persons shall be eligible for coverage under this act for one detoxi-fication session not to exceed four days. Persons who subsequently are duly diagnosed with both a mental illness and alcohol or other drug dependency shall have a limit of forty-five"**.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 11, Section 376.828, Line 11 of said page, by inserting at the end of said line the following: **"An insurer may contract for benefits provided in sections 376.825 to 376.835 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.835."**

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 7, Section 376.811, Line 21 of said page, by inserting after the word "same" on said line the following: **"rates, terms, conditions,"**.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 12, Section 376.829, Lines 3-4 of said page, by striking the words "a financial hardship" and inserting in lieu thereof the following: "a two percent increase in premium costs".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SS** for **SCS** for **SB 338**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SS** for **SCS** for **SB 338**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 267**--Pensions and General Laws.

HB 570--Judiciary.

HB 453--Financial and Governmental Organ-ization.

HB 473--Local Government and Economic Development.

HB 257--Civil and Criminal Jurisprudence.

HB 326--Elections, Veterans' Affairs and Corrections.

HB 290--Transportation.

HB 724--Civil and Criminal Jurisprudence.

HS for **HB 516**--Ways and Means.

HCS for **HB 621**--Education.

HCS for **HBs 316, 660** and **203**--Aging, Families and Mental Health.

HCS for **HBs 788, 428** and **106**--Civil and Criminal Jurisprudence.

HS for **HCS** for **HBs 427, 40, 196** and **404**--Public Health and Welfare.

HB 201--Local Government and Economic Development.

HCS for **HB 343**--Local Government and Economic Development.

HB 487--Civil and Criminal Jurisprudence.

HB 568--Financial and Governmental Organ-ization.

HB 145--Commerce and Environment.

HB 589--Elections, Veterans' Affairs and Corrections.

HB 708--Agriculture, Conservation, Parks and Tourism.

HB 409--Aging, Families and Mental Health.

HB 607--Public Health and Welfare.

HB 893--Public Health and Welfare.

HB 866--Insurance and Housing.

HB 867--Pensions and General Laws.

HB 861--Financial and Governmental Organ-ization.

HB 528--Elections, Veterans' Affairs and Corrections.

HCS for **HB 490**--Aging, Families and Mental Health.

HS for **HCS** for **HBs 246** and **405**--Financial and Governmental Organization.

HB 261--Transportation.

HB 741--Civil and Criminal Jurisprudence.

HB 920--Education.

HB 834--Agriculture, Conservation, Parks and Tourism.

HB 352--Local Government and Economic Development.

HB 791--Agriculture, Conservation, Parks and Tourism.

HB 402--Local Government and Economic Development.

HB 721--Public Health and Welfare.

HB 779--Local Government and Economic Development.

HB 795--Local Government and Economic Development.

HB 853--Local Government and Economic Development.

HB 796--Local Government and Economic Development.

HB 778--Education.

HB 776--Local Government and Economic Development.

HB 476--Elections, Veterans' Affairs and Corrections.

HB 800--Agriculture, Conservation, Parks and Tourism.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 500**, respectfully

requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 481**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SJR 29**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 474**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 443, regarding Peggy Emerson, Reeds Spring, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

THIRD READING OF SENATE BILLS

SCS for **SB 405**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 405

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 405** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Graves--1			
Absent--Senators			

Russell
Schneider--2
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

SB 205, introduced by Senators Westfall and Staples, entitled:

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SB 205** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senator Howard--1		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Schneider, **SB 70**, with **SCS**, was placed on the Informal Calendar.

Senator Quick moved that **SB 394**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 394**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 394

An Act to repeal sections 140.110, 242.580, 243.370, 245.210 and 442.380, RSMo 1994, relating to ownership of property, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **SB 394** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 394, Page 1, Section 140.110, Lines 8-10, by striking all of said lines; and inserting in lieu thereof the following:

"2. All personal property taxes and taxes on each individual parcel of real estate on back tax books shall be paid before a county collector accepts any payment for all or any part of real or personal property taxes due and assessed on the current tax books."; and

Further amend said bill, page 3, Section 442.380, lines 1 to 6, by striking all of said section and inserting in lieu thereof the following:

"408.620. Financial institutions, as defined in section 381.410, RSMo, which are mortgage servicers, shall pay property tax obligations which they service from escrow accounts, as defined in Title 24 Part 3500 Section 17, Code of Federal Regulations, in one annual payment before the first day of January of the year following the year for which the tax is levied. Escrow accounts established between such financial institutions and borrowers are contractually binding and may disallow the payment of property taxes more than once a year as such payments are authorized in section 50.1500, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 394, Page 2, Section 243.370, Line 12, by striking the opening "[" and closing "]" brackets around the word "one" and the word "two" and further amend lines 14-15, by striking all of line 14 after the word "paid" and line 15 through the word "year"; and

Further amend said bill, page 1, section 242.580, line 3, by striking the opening "[" and closing "]" brackets and the word "two" and further amend said section, lines 4-6, by striking all of the bold face language on said lines after the word "paid" and inserting in lieu thereof a period "."; and

Further amend said bill, section 245.210, line 3, by striking the opening "[" and closing "]" brackets and the word "two" and further amend said section, lines 4-6, by striking all of the bold faced language on said lines after the word "paid" and inserting in lieu thereof a period ".".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 394, Page 3, Section 442.380, Line 6, by inserting immediately after said line the following:

"137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, [and] manufactured home parks[, but] **and floating docks, including floating docks that are jointly owned. For the purposes of this section, a floating dock that is not owned by an electrical or gas corporation but which is attached to real property owned by an electrical or gas corporation shall be treated as residential property of the owner or owners of the floating dock and not as residential property of the electrical or gas corporation.** Residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, transient housing means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to section 144.020.1(6), RSMo;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the Nation Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission [but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units]. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, section 6.2 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not for profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution.

138.430. 1. Every owner of real property or tangible personal property, **and the city assessor or county assessor for the area involved, when the appeal involves a question of law**, shall have the right to appeal from the local boards of equalization to the state tax commission under rules prescribed by the state tax commission, within the time prescribed in this chapter or thirty days following the final action of the local board of equalization, whichever date later occurs, concerning all questions and disputes involving the assessment against such property, the correct valuation to be placed on such property, the method or formula used in determining the valuation of such property, or the assignment of a discriminatory assessment to such property. The commission shall investigate all such appeals and shall correct any assessment or valuation which is shown to be unlawful, unfair, improper, arbitrary or capricious. Any person aggrieved by the decision of the commission may seek review as provided in chapter 536, RSMo.

2. In order to investigate such appeals, the commission may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property. The commission may make its decision regarding the assessment or valuation of the property based solely upon its inquiry and any evidence presented by the parties to the commission, or based solely upon evidence presented by the parties to the commission. 3. Every owner of real property or tangible personal property shall have the right to appeal to the circuit court of the county in which the collector maintains his office, from the decision of the local board of equalization not later than thirty days after the final decision of the board of equalization concerning all questions and disputes involving the exclusion or exemption of such property from assessment or from the tax rolls pursuant to the Constitution of the United States or the constitution or laws of this state, or of the taxable situs of such property. The appeal shall be as a trial de novo in the manner prescribed for nonjury civil proceedings.

4. Upon the timely filing of an appeal as provided in this section, the state tax commission or the clerk of the circuit court, as applicable, shall send to the county collector to whom the taxes on the property involved would be due, a notice that an appeal has been filed, which notice shall contain the name and address of the taxpayer filing the appeal.

5. If the circuit court, after review of the appeal, finds that the appeal is not a proper subject for the appeal to the circuit court as provided in subsection 3 of this section, it shall transfer the appeal to the state tax commission for

consideration."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 394, Page 4, Section 442.380, Line 6, by inserting after said line the following:

"516.010. **1.** No action for the recovery of any lands, tenements or hereditaments, or for the recovery of the possession thereof, shall be commenced, had or maintained by any person, whether citizen, denizen, alien, resident or nonresident of this state, unless it appear that the plaintiff, his ancestor, predecessor, grantor or other person under whom he claims was seized or possessed of the premises in question, within ten years before the commencement of such action.

2. The provisions of this section and chapter 272, RSMo, notwithstanding, an action pursuant to this section shall not lie if the record owner of the real property in issue has continuously fulfilled all obligations related to ownership of the property including, but not limited to, timely remittance of all taxes due thereon."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SCS** for **SB 394**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 394**, as amended, was declared perfected and ordered printed.

Senator Johnson assumed the Chair.

Senator Stoll moved that **SB 235** be taken up for perfection, which motion prevailed.

Senator Stoll offered **SS** for **SB 235**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 235

An Act to repeal section 572.010, RSMo 1994, for the sole purpose of defining amusement devices, and to enact in lieu thereof one new section relating to the same subject.

Senator Stoll moved that **SS** for **SB 235** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 235, Page 3, Section 572.010, Line 18 of said page, by inserting after "consideration." the following: "**An amusement device shall not be identical in purpose to casino games which have the purpose of cash payout.**"; and

Further amend said bill and section, page 4, line 12, of said page, by inserting after "consideration" the following: ". **An amusement device shall not be identical in purpose to casino games which have the purpose of cash payout**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 235, Page 6, Section 572.010, Line 14 of said page, by inserting immediately after said line the following:

"Section 1. 1. There is hereby established within the department of economic development the "Missouri Amusement Device Commission". It shall be the responsibility of the commission to ensure the economic viability and integrity of the amusement device economy in the state, which shall include but not be limited to ensuring that amusement devices are not used for illegal gambling purposes nor promote gambling by minors.

2. The commission shall be composed of eleven members, who shall be appointed by the governor, with the advice and consent of the senate, for a four-year term; except that initial appointments to the commission shall consist of two members to serve four-year terms, two members to serve three-year terms, and one member to serve a two-year term. Three of the members shall be representative of the amusement device manufacturing industry, three members shall be retail businessmen or businesswomen where such amusement devices are located and in use, one member shall be from the general public, one member shall be from the Missouri highway patrol, one member shall be the director of liquor control, one member shall be from local law enforcement, and one member shall be representative of anti-gambling associations or interests in the state. Not more than six members shall be from the same political party.

3. Vacancies shall be filled by appointment made in the same manner as the original appointments. Members of the commission shall not be compensated for their services, but shall be reimbursed from funds appropriated therefor for actual and necessary expenses incurred in the performance of their duties. Associations who have tax-exempt status as defined by the internal revenue service who represent equipment manufacturers or operators may submit to the governor a list of possible members for consideration.

4. The commission shall organize by electing one member as chairman and another as vice chairman. Such officers shall serve for a term of two years. The commission shall meet no fewer than four times per calendar year, at the call of the chairman, and at times and places established by the chairman by written notice.

5. The commission shall aid and assist the amusement device manufacturers and retail users in all matters relating to the manufacture, oversight, use and all related questions involving the legality of such machines pursuant to the laws of Missouri. In addition to any other duties imposed by this section, the commission shall:

- (1) License and bond all manufacturers and distributors of amusement device machines, and certify any amusement devices as being devices which are not used or cannot be used in illegal gambling activity;**
- (2) Discipline all license-holders for violations of the gambling laws of the state of Missouri;**
- (3) Prosecute, through local law enforcement and local prosecuting attorneys all claims listed in subdivision (2) of this subsection to conclusion;**
- (4) Cooperate with the Missouri gaming commission, the Missouri attorney general, the highway patrol of Missouri and all federal and state offices legally concerned with and interested in the enforcement of the gambling laws of this state.**
- (5) Secure, through a request to the Missouri attorney general, an opinion from the attorney general as to whether an amusement device meets the definition of such pursuant to Missouri law; and**
- (6) Promulgate, pursuant to chapter 536, RSMo, rules and regulations governing the scope of the commission, which shall include but not be limited to:**

- (a) **Determining the amount of bond required by manufacturers, suppliers or operators of amusement devices;**
- (b) **Determining the per machine fee for certification payable by manufacturers, suppliers or operators of amusement devices;**
- (c) **Determining the amount of an on-site fee for retail users of amusement devices;**
- (d) **Providing for licensing criteria which shall include, at a minimum, that the entity or person so licensed is of good repute;**
- (e) **Provide for the ability to, through seal or other fashion, make amusement devices used in the state tamper-proof and subject to verification of said method by inspection;**
- (f) **Determining when, as a result of a machine found to be not licensed or not in compliance with the rules and regulations of the commission, grounds for immediate seizure of any amusement device;**
- (g) **Determining the amount of civil penalty for improper operation of any amusement device in the state; and**
- (h) **Determining that the amount of any fee or cost specified by the commission only covers the cost of the activity for which it is charged. Any additional revenue held by the commission at the end of the fiscal year shall revert to general revenue.**

6. The commission may consider any complaints filed with the commission alleging the improper use of any amusement device in the state, and shall refer complaints to the local law enforcement for investigation, or in the alternative, refer complaints to the Missouri highway patrol for investigation.

7. Any amusement device found to be operating not licensed or in violation with the rules and regulations of the commission and this act may be licensed after seizure; however, at a minimum there shall be a charge of one thousand dollars per machine for such licensure, in addition to the requirement that all other rules and regulations regarding grounds for licensing have been met.

8. No amusement device operating in this state shall allow the wholesale value of any prize to exceed the amount of the value of play of the amusement device or two dollars, whichever is greater, or the cumulative value of play of the amusement device or two hundred and fifty dollars, whichever is greater.

9. No retail establishment licensed by the commission shall allow the operation of any gambling games of skill or video representations which are specifically enumerated in subdivision (12) of subsection 1 of section 313.800, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 235, Page 3, Section 572.010, Lines 10-18, by inserting on line 10 after "replay" a "."; and deleting all words in bold type after the inserted period on line 10 through line 18; and

Further amend said bill, page 4, line 5, by inserting on line 51, after "replay" a "."; and deleting all words in bold type after the inserted period on line 5 through line 12.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 2** is out of order in that it is not a true substitute amendment.

Senator Mathewson assumed the Chair.

At the request of Senator Caskey, **SSA 1** for **SA 2** was withdrawn, rendering the point of order moot.

At the request of Senator Stoll, **SB 235**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Quick moved that **SB 288**, with **SS**, **SA 1** and points of order pending, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Quick ruled the point of order raised by Senator Mathewson on **SA 1** well taken.

President Pro Tem Quick ruled the point of order raised by Senator Ehlmann on **SS** for **SB 288** not well taken.

At the request of Senator Quick, **SS** for **SB 288** was withdrawn.

Senator Quick offered **SS No. 2** for **SB 288**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 288

An Act relating to the establishment of the Missouri settlement trust fund.

Senator Quick moved that **SS No. 2** for **SB 288** be adopted.

Senator Klarich raised the point of order that he had the floor when the point of order on **SA 1** was raised and maintains the floor when the point of order is disposed of.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 2, Section 1, Line 12, by inserting at the end of said line the following:

"8. Any attorneys acting on behalf of the state of Missouri in a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products shall receive compensation solely pursuant to lawful appropriation by the general assembly."

Senator Kinder moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Kinder moved that **SA 1** be adopted.

Senator Klarich requested that a roll call vote be taken on the adoption of **SA 1** and was joined in his request by

Senators Childers, Kinder, Ehlmann and Mueller.

SA 1 was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel-- 18		
	NAYS--Senators		
Banks	Bland	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Schneider
Scott	Stoll	Wiggins-- 15	
	Absent--Senator Staples-- 1		
	Absent with leave--Senators--None		

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 288, Page 2, Section 1.5, Lines 1-5, by deleting said subsection and replace in lieu thereof, the following:

"5. The deposit of any money received by the state which are the proceeds of any award or settlement resulting from a dispute between this state and any company which manufactures, sells, or promotes tobacco or tobacco products into the Missouri Settlement Trust Fund, created herein, shall be deemed total state revenue unless the citizens of the state of Missouri have approved or rejected, at an election which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, ballots of submission containing the following language:

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be considered excess revenues and refunded pursuant to Article X, Section 18 of the Missouri Constitution?"

AND

"Shall all funds received by the State of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking not be considered as excess revenues under Article X, Section 18 of the Missouri Constitution, but remain subject to appropriation?"

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Quick, **SB 288**, with **SS No. 2** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 345**, begs leave to report that

it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 345, Page 2, Section 188.015, Line 20, by striking the word "irrespective of the duration of pregnancy" and inserting in lieu thereof the following: "**post-viability**"; and

Further amend said bill, Page 2, Section 565.300, Line 2, by inserting after the word "child" as it appears the first time on said line the following: ", **post-viability**"; and further amend said line by inserting after the word "child" as it appears the second time on said line the following: ", **post-viability**".

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 506**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 17**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 444, regarding the Sixty-fifth Birthday of Lena Gann LaRose Kalicak, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 445, regarding Marilyn and Howard Barteau, Mineola, which was adopted.

Senator Howard offered Senate Resolution No. 446, regarding Park Ranger Henry "Bud" Snyder, Jr., Piedmont, which was adopted.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

March 22, 1999

The Honorable J. B. "Jet" Banks

Missouri Senate

State Capitol, Room 319

Jefferson City, MO 65101

Dear Senator Banks:

It is my pleasure to reappoint you to serve on the **Missouri Children's Services Commission** authorized under provisions of Section 210.101, RSMo 1994. You will be serving on this Commission along with Senators J.T. Howard, Roseann Bentley, Betty Sims, Speaker Steve Gaw, Representatives Vicky Riback Wilson, Mary Kasten and Emmy McClelland.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick
President Pro Tem
Missouri Senate

Also,

March 22, 1999

The Honorable Roseann Bentley
Missouri Senate
State Capitol, Room 421
Jefferson City, MO 65101

Dear Senator Bentley:

It is my pleasure to reappoint you to serve on the **Missouri Children's Services Commission** authorized under provisions of Section 210.101, RSMo 1994. You will be serving on this Commission along with Senators J.B. "Jet" Banks, J.T. Howard, Betty Sims, Speaker Steve Gaw, Representatives Vicky Riback Wilson, Mary Kasten and Emmy McClelland.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick
President Pro Tem
Missouri Senate

Also,

March 22, 1999

The Honorable J. T. Howard
Missouri Senate
State Capitol, Room 331A
Jefferson City, MO 65101

Dear Senator Howard:

It is my pleasure to appoint you to serve on the **Missouri Children's Services Commission** authorized under provisions of Section 210.101, RSMo 1994. You will be serving on this Commission along with Senators Jet Banks, Roseann Bentley, Betty Sims, Speaker Steve Gaw, Representatives Vicky Riback Wilson, Mary Kasten and Emmy McClelland.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 22, 1999

The Honorable Betty Sims

Missouri Senate

State Capitol, Room 226

Jefferson City, MO 65101

Dear Senator Sims:

It is my pleasure to reappoint you to serve on the **Missouri Children's Services Commission** authorized under provisions of Section 210.101, RSMo 1994. You will be serving on this Commission along with Senators J.B. "Jet" Banks, J.T. Howard, Roseann Bentley, Speaker Steve Gaw, Representatives Vicky Riback Wilson, Mary Kasten and Emmy McClelland.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Linda Rice and Annie Ankrom, Bolivar.

Senator Mathewson introduced to the Senate, Amy Jones, Odessa.

Senator Westfall introduced to the Senate, Linda Eggerman, Lockwood; and Ashley Overstreet, Lamar; and Ashley was made an honorary page.

Senator Graves introduced to the Senate, Sara Faubion and Connie Hoffman, Trenton; and Allison Spidle and Kathy Robertson, Gallatin.

Senator Maxwell introduced to the Senate, Ekaterina Pesheva, Shannon Donald, Sherri Shooks, Joan Hunsaker, David

Seabaugh and Ryan McWilliams, Kirksville; Matthew Groves, Maplewood; Ashley Davison, Brashear; and Kae Dee Rinderknecht, Downing.

Senator Childers introduced to the Senate, Kyli Oaks, Melissa Soper, Racheal McGee and Bruce Burnett, Reeds Spring.

Senator Graves introduced to the Senate, members of the Bethany and Albany Chambers of Commerce.

Senator Graves introduced to the Senate, members of the Chillicothe Chamber of Commerce.

Senator House introduced to the Senate, Catherine Elsea and John Hutchison, St. Charles.

On behalf of Senators Johnson and Russell, the President introduced to the Senate, Lyndi Hicks,

Bolckow; April Sonnet, Fillmore; Jared Creach, Macks Creek; and Donna Kothe, King City.

Senator Caskey introduced to the Senate, Larry DesCombes and thirty-four eighth grade students from Leeton.

Senator Schneider introduced to the Senate, sixty-five fourth grade students from Griffith Elementary School, Ferguson; and Tinisha Donegan, Charlie Stark, Verdal Harvey and Sharon Lo were made honorary pages.

Senator Staples introduced to the Senate, Roger Kootz and students from Alton Elementary School, Alton.

Senator Kinder introduced to the Senate, Helen Steffens, Cape Girardeau.

Senator Wiggins introduced to the Senate, Mr. and Mrs. Bruce Barrett, their son, Paul and daughter, Esther, Homeschoolers from Grandview.

Senator Yeckel introduced to the Senate, Karen Papin and sixty-six fourth grade students from Crestwood Elementary School, St. Louis.

Senator Wiggins introduced to the Senate, former State Representative Jan Martinette, Aileen Beard, Shera McDowell and Jean Andrews, Grandview.

Senator Clay introduced to the Senate, Ray Brodzinski, and his daughters, Lily and Claudia, St. Louis; and Lily and Claudia were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY--WEDNESDAY, MARCH 24, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God, Author of Life: You are the giver of every good and perfect gift and we are grateful for evidence of Your covenants with us. Grant that each of us serves as people of wisdom, sufficient to perform the duties required of us. Grant unto us understanding necessary to perceive the heavy responsibilities and deliberations each carries and that all that is done in this Senate results in the betterment of all. These blessings we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 447, regarding Dylan Michael Little, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 448, regarding Assistant Fire Chief Jim Murray, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 449, regarding Assistant Fire Chief Jack Fette, Lee's Summit, which was adopted.

THIRD READING OF SENATE BILLS

SB 424, introduced by Senator Westfall, entitled:

An Act to repeal sections 340.200, 340.202, 340.204, 340.206, 340.214, 340.216, 340.220, 340.222, 340.226, 340.228, 340.230, 340.232, 340.234, 340.236, 340.238, 340.240, 340.244, 340.246, 340.248, 340.250, 340.252, 340.254, 340.256, 340.258, 340.260, 340.262, 340.264, 340.288, 340.300, 340.302, 340.304, 340.306, 340.308, 340.312, 340.318, 340.320, 340.322 and 340.324, RSMo 1994, and section 340.210, RSMo Supp. 1998, relating to veterinarians, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 424** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Clay	Ehlmann--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 434, with **SCAs 1** and **2**, introduced by Senator Klarich, entitled:

An Act to authorize the director of the department of natural resources to grant an easement in Route 66 State Park in St. Louis County.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 434**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Westfall--1

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 435, introduced by Senator Staples, entitled:

An Act to authorize the director of the department of natural resources to grant an easement in Taum Sauk Mountain State Park in Iron County.

Was called from the Consent Calendar and taken up.

Senator Johnson assumed the Chair.

On motion of Senator Staples, **SB 435** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Westfall--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 352, with **SCA 1**, introduced by Senator Staples, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to conservation license plates.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 352**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senator Westfall--1			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 270, introduced by Senator Ehlmann, entitled:

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

Was called from the Consent Calendar and taken up.

On motion of Senator Ehlmann, **SB 270** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

SB 438, with **SCS**, introduced by Senator Russell, et al, entitled:

An Act to repeal section 32.091, RSMo Supp. 1998, relating to the disclosure of motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Russell.

SCS for **SB 438**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 438

An Act to repeal sections 32.090 and 32.091, RSMo Supp. 1998, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Russell moved that **SCS** for **SB 438** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 438** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick

Stoll--2

Absent with leave--Senator Westfall--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 334, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 260.565, RSMo 1994, relating to voluntary remediation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 334**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 334

An Act to repeal section 260.565, RSMo 1994, relating to voluntary remediation, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 334** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 334** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senator Westfall--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 479, introduced by Senator Singleton, entitled:

An Act to repeal section 323.060, RSMo Supp. 1998, relating to petroleum gas retailers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 479** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Scott	Stoll--3	
Absent with leave--Senator Westfall--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 261, with **SCS**, introduced by Senator Howard, entitled:

An Act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to the treatment of tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 261**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 261

An Act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to the treatment of tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 261** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 261** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley

Singleton

Stoll--3

Absent with leave--Senator Westfall--1

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 288**, with **SS No. 2** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Howard raised the point of order that **SA 2** is out of order in that it is not germane to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Wiggins assumed the Chair.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Lines 13-16, by deleting said lines and replacing in lieu thereof, the following:

"4. Upon receipt and deposit of any money received as a result of the Master Settlement Agreement into the trust fund created herein, such trust shall, at least annually, be distributed, principle and interest combined, as follows: eighty (80) percent shall be refunded to persons on a pro rata basis on the liability reported on the Missouri state income tax (or its successor tax or taxes) annual returns filed following the close of such fiscal year; twenty (20) percent shall be expended as provided by law for costs associated with tobacco related illnesses and education programs designed to prevent and cease the use of tobacco products. Should any court of competent jurisdiction hold this section, or any portion thereof, invalid, such trust fund shall terminate and any funds contained therein shall be distributed, outright and free of trust, pursuant to Article X, Section 18, of the Missouri Constitution."

Senator Klarich moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 2, Section 1, Line 2, by deleting the word "not" on said line; and further amend said bill, line 3, by deleting the words "included or not".

Senator Klarich moved that the above substitute amendment be adopted.

Senator Howard raised the point of order that **SSA 1** for **SA 3** is out of order as it is not a true substitute.

Senator Howard raised a further point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The points of order were referred to the President Pro Tem.

President Pro Tem Quick ruled the points of order not well taken.

At the request of Senator Klarich, **SSA 1** for **SA 3** was withdrawn.

Senator Klarich offered **SSA 2** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 2, Section 1, Lines 1-5, by deleting said lines and replace in lieu thereof, the following:

"5. The trust fund shall be included in total state revenues as defined in article X, section 17, of the Missouri Constitution."

Senator Klarich moved that the above substitute amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Ehlmann offered **SA 1** to **SSA 2** for **SA 3**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 9, by adding the following:

", unless the citizens of the state of Missouri have approved or rejected, at an election which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, ballots of submission containing the following language:

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be considered excess revenues and refunded pursuant to Article X, Section 18 of the Missouri Constitution?"

AND

"Shall all funds received by the State of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking not be considered as excess revenues under Article X, Section 18 of the Missouri Constitution, but remain subject to appropriation?"

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Quick, **SB 288**, with **SS No. 2**, **SA 3**, **SSA 2** for **SA 3** and **SA 1** to **SSA 2** for **SA 3** (pending),

was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 397**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mathewson.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 450, regarding Kathleen Means, Ozarks Technical Community College, which was adopted.

Senator Stoll offered Senate Resolution No. 451, regarding Judge Charles and Anna Sheehan, House Springs, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 288**, with **SS No. 2, SA 3, SSA 2 for SA 3 and SA 1 to SSA 2 for SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SSA 2 for SA 3 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 2 to SSA 2 for SA 3**:

SENATE AMENDMENT NO. 2 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 9, by adding the following:

", unless the citizens of the state of Missouri have approved or rejected, at an election which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, ballots of submission containing the following language; the ballot measure receiving the most votes shall be the provision enacted.

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be considered excess revenues and refunded pursuant to Article X, Section 18 of the Missouri Constitution?"

AND

"Shall all funds received by the State of Missouri as a result of any legal settlement or award related to public health or

health-related issues of smoking not be considered as excess revenues under Article X, Section 18 of the Missouri Constitution, but remain subject to appropriation?".

Senator Ehlmann moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 2** to **SSA 2** for **SA 3** and was joined in his request by Senators Childers, DePasco, Ehlmann and Singleton.

SA 2 to **SSA 2** for **SA 3** failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton	Steelman	Yeckel--12
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Schneider	Scott
Sims	Staples	Stoll	Wiggins--20
Absent--Senator Bentley--1			
Absent with leave--Senator Westfall--1			

SSA 2 for **SA 3** was again taken up.

Senator Klarich moved that the above substitute amendment be adopted.

Senator Quick requested a roll call vote be taken on the adoption of **SSA 2** for **SA 3** and was joined in his request by Senators Childers, Ehlmann, Kinder and Staples.

SSA 2 for **SA 3** failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton	Steelman	Yeckel--12
NAYS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Schneider
Scott	Sims	Staples	Stoll
Wiggins--21			
Absent--Senators--None			
Absent with leave--Senator Westfall--1			

Senator Jacob offered **SSA 3** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 15, by striking "the first regular session of", and further amend said page and section, line 16, by adding after the word "**assembly**" the following: "without additional statutory authority specifying the purposes of such appropriation".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Howard assumed the Chair.

At the request of Senator Jacob, **SSA 3** for **SA 3** was withdrawn.

Senator Jacob offered **SSA 4** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 4

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, by striking all of lines 15 and 16, and inserting "**appropriated without additional statutory authority specifying the purposes of such appropriation.**".

Senator Jacob moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 2, Section 1, Line 9, by striking "and expenditures from"; and further amend said bill, lines 10 and 11, by striking ", shall indicate expenditures by object type and class,".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Lines 5-7, by deleting the following: "resulting from a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SS No. 2** for **SB 288**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SS No. 2** for **SB 288**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 282**; **SCS** for **SBs 295** and **46**; **SS** for **SB 22**; **SCS** for **SBs 322, 150 and 151**; **SB 95**; **SB 33**; and **SCS** for **SB 346**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 338**; **SCS** for **SB 394**; and **SS** for **SCS** for **SB 19**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 209**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SS** for **SB 209**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 209

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Senator Goode moved that **SS** for **SB 209** be adopted.

At the request of Senator Goode, **SB 209**, with **SS** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Cathy Stroud, Springfield.

Senator Johnson introduced to the Senate, Bob and Cindy Kennaley, and their children, Chris, Kate and Kimberly, home schoolers from Kansas City; and Chris, Kate and Kimberly were made honorary pages.

Senator Stoll introduced to the Senate, Andy Bingham, and students from Festus Senior High School, Festus.

Senator Kenney introduced to the Senate, Elaine and Brad Wolzak, Lee's Summit; and Ed Alviso, Liberty.

Senator Singleton introduced to the Senate, Toby Ray and Debbie Bottom, and their daughters, Erin and Emily and Paul and Noma Bottom, Webb City.

Senator Kenney introduced to the Senate, Pat, Jeanne, Chad, Sean and Rayeann Yokley and Mollie Robinson, Lee's Summit.

Senator Mathewson introduced to the Senate, Rich Cole, Chad Luman, Rejeana Heart and Jamie Kiger, Lexington; and Chad, Rejeana and Jamie were made honorary pages.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. A.J. Campbell, M.D. and his wife, Janet, Sedalia.

Senator Steelman introduced to the Senate, fourth grade students from McIntire Elementary School, Fulton; and Zach Holt, Paul Matthews and Tanner Leake were made honorary pages.

Senator Wiggins introduced to the Senate, Sally Rice, Margaret Olson, Loretta and Ralph Bunnell, Park Lightfoot, Ed Baty and Anthony Jordan, Kansas City.

Senator Bentley introduced to the Senate, Geri Hill, Springfield.

Senator Caskey introduced to the Senate, Marie Hyatt, Mary Anne Collier and Dianna Thompson, Warrensburg.

Senator Singleton introduced to the Senate, Sandy Haner, Susan Bilderback and Lori Schlueter, Neosho.

Senator Graves introduced to the Senate, Phil, Donna, Jim and Bill Gastler, Martinsburg.

Senator Maxwell introduced to the Senate, Bruce and Ramona Davidson, Mexico; Herb Brown, Carl Reynolds, Phillip Martin, Darren Reynolds, Dawn and Beth Hasekamp, Jason Kable and Adam Brown, Centralia; and Adam Gaton, Vandalia.

Senator Childers introduced to the Senate, thirty-two seventh grade students from Glenwood School, Howell County.

On behalf of Senator Mathewson, the President introduced to the Senate, the Mayor, Board of Alderman, the School Board President and members of the Chamber of Commerce from Grain Valley.

Senator Howard introduced to the Senate, Mike Barnes and Paul Northington, New Madrid.

Senator Caskey introduced to the Senate, Denice Lindsey and fifty eighth grade students from Warrensburg Middle School, Warrensburg.

Senator Maxwell introduced to the Senate, Jake Fryer, Laddonia; and John Cawthorn, Mexico.

Senator Maxwell introduced to the Senate, Brian Douglas, Shelbina; J.C. Douglas and Dennis Gaines, Shelbyville; Ken Broughton, Emden; Sam Whetstone, Philadelphia; Trent Tiemann, Martinsburg; and Ken Keller, Mexico.

Senator Caskey introduced to the Senate, Karen Carter, Jane Abbington and fifty eighth grade students from Warrensburg Middle School, Warrensburg.

Senator Caskey introduced to the Senate, Tara Engelhart, Mrs. Miller and fifty eighth grade students from Warrensburg Middle School, Warrensburg.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY--THURSDAY, MARCH 25, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We recognize Your greatness in giving us a hope for the future and teaching us a great way to live in the here and now. Your Word is the basis of not only our system of justice but the ethics by which we work and live. May we always give You credit, Lord, for the great things You do among us everyday. And we pray, watch over us in our travels this day and bring us safely to our destinations. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Jefferson City News Tribune and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 452, regarding Bishop Dotey Isom, Jr., Kansas City, which was adopted.

Senator Jacob offered Senate Resolution No. 453, regarding the death of Donald E. Barnes, Moberly, which was adopted.

REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SB 19**; **SS** for **SCS** for **SB 338**; and **SB 443** to the Committee on

State Budget Control.

THIRD READING OF SENATE BILLS

SB 518, introduced by Senator Staples, entitled:

An Act to repeal section 67.1300, RSMo Supp. 1998, relating to sales tax for economic development, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 518** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Goode	Kinder--2		
Absent--Senators			
Bland	Jacob--2		
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 498, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal section 210.173, RSMo 1994, and section 301.463, RSMo Supp. 1998, relating to motor vehicle license plates for the children's trust fund, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 498

An Act to repeal section 210.173, RSMo 1994, and section 301.463, RSMo Supp. 1998, relating to motor vehicle license plates for the children's trust fund, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 498** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 498** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 477, with **SCS**, introduced by Senator Ehlmann, entitled:

An Act to repeal section 191.656, RSMo Supp. 1998, relating to disclosure of HIV information, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 477

An Act to repeal section 191.659, RSMo 1994, and sections 191.656 and 191.663, RSMo Supp. 1998, relating to disclosure of HIV information, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Ehlmann moved that **SCS** for **SB 477** be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SCS** for **SB 477** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 412, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal section 130.057, RSMo Supp. 1998, relating to certain campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 412**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 412

An Act to repeal section 130.057, RSMo Supp. 1998, relating to certain campaign finance reports, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SB 412** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 412** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Klarich	Sims--2		
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 423, with **SCS**, introduced by Senator Westfall, entitled:

An Act to repeal section 276.401, RSMo Supp. 1998, relating to grain dealers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 423**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 423

An Act to repeal section 276.401, RSMo Supp. 1998, relating to grain dealers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SB 423** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 423** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 461, introduced by Senator House, entitled:

An Act to repeal section 164.161, RSMo 1994, and section 165.051, RSMo Supp. 1998, relating to school funds, and

to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 461** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 192, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 192** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senator Westfall--1			
Absent--Senators			
Banks	Bentley	Russell--3	
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

Senator Johnson requested unanimous consent of the Senate for the Committee on State Budget Control to meet while the Senate is in session, which request was granted.

SB 287, introduced by Senator Maxwell, entitled:

An Act to repeal section 137.100, RSMo 1994, relating to property tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 287** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Russell	Singleton
Stoll--5			
Absent with leave--Senator Schneider--1			

Senator Staples assumed the Chair.

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for **SB 282**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 282

An Act to repeal section 135.530, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.

Was taken up by Senator Clay.

On motion of Senator Clay, **SCS** for **SB 282** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Maxwell
Quick	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--24

NAYS--Senators

Ehlmann	Flotron	Graves	Kinder
Mueller	Rohrbach	Russell	Singleton
Westfall--9			

Absent--Senators--None

Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 443**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 443, introduced by Senator Jacob, entitled:

An Act to repeal section 173.820, RSMo Supp. 1998, relating to Missouri college guarantee program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 443** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Schneider-- 1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Schneider-- 1

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 95, introduced by Senator Maxwell, entitled:

An Act to repeal section 413.225, RSMo Supp. 1998, relating to weights and measures, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

President Pro Tem Quick assumed the Chair.

On motion of Senator Maxwell, **SB 95** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Kinder-- 1

Absent--Senators

Banks Bentley--2

Absent with leave--Senator Schneider-- 1

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SS for **SB 22**, introduced by Senator Flotron, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 22

An Act to repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1998, relating to tax relief for children and families, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for a certain section.

Was taken up.

On motion of Senator Flotron, **SS** for **SB 22** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Yeckel--2		
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 33, introduced by Senator Johnson, entitled:

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Johnson, **SB 33** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Yeckel--2		
	Absent with leave--Senator Schneider--1		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SCS for **SBs 322, 150** and **151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 322, 150 and 151

An Act to repeal sections 207.020, 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.516, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to child care providers and child placement, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Sims.

Senator Scott assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

On motion of Senator Sims, **SCS** for **SBs 322, 150** and **151** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kinder
Mathewson	Quick	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--21			
	NAYS--Senators		
Caskey	Flotron	Graves	Kenney
Klarich	Mueller	Rohrbach	Russell
Singleton	Westfall--10		
	Absent--Senators		
Banks	Maxwell--2		
	Absent with leave--Senator Schneider--1		

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 115.105, 115.195, 115.199, 115.231, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Stoll.

On motion of Senator Stoll, **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Steelman--1			
Absent--Senator Banks--1			
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SCS for **SBs 295** and **46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 295 and 46

An Act to repeal sections 82.210, 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof six new sections relating to the same subject, with an

emergency clause.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **SCS** for **SBs 295** and **46** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Schneider	Scott	Staples	Steelman
Stoll	Wiggins	Yeckel--23	
NAYS--Senators			
Bentley	Childers	Flotron	Graves
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall--10		
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Klarich
Mathewson	Maxwell	Quick	Schneider
Scott	Staples	Steelman	Stoll
Wiggins--21			
NAYS--Senators			
Childers	Flotron	Kenney	Kinder
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--10		
Absent--Senators			
Banks	Graves	Mueller--3	
Absent with leave--Senators--None			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 75**, **SB 381** and **SB 204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 97**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 3, Section 620.1490, Line 32, by striking the word "fifteen" and inserting in lieu thereof the word "**ten**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 97, Page 2, Section 620.1490, Line 18, by striking the words "a requirement that the individual account holder or the family of an account holder attend these seminars" and inserting in lieu thereof the following: "**the individual account holders will be encouraged to attend**".

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 89**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 328**, **SB 87**, **SB 100** and **SB 55**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 451**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 392**, **SB 393** and **SB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 387**, **SB 206** and **SB 131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 351**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 359**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 472**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 441**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 455, Page 3, Section 116.190, Line 9, by striking the following: "prepared by the secretary of state"; and

Further amend said bill, Page 3, Section 116.190, Line 12, by striking the word "and" and inserting in lieu thereof a comma ","; and further amend said line by inserting immediately after the word "measure" the following: "**and the secretary of state**".

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SB 288**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Quick, Chairman of the Committee on Gubernatorial Appointments, Senator DePasco submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patricia L. Jacobs-Macdonald and John C. Hanneke, as public members of the Credit Union Commission;

Also,

Lori J. Levine, William J. Humpfer, Cathy E. Stroud, Sharon A. Ichord and Darrell "Pat" Yokley, as members of the Credit Union Commission;

Also,

Elaina M. Wolzak, as a member of the Missouri Board of Pharmacy;

Also,

Connie L. Johnson, as a public member of the Board of Geologist Registration;

Also,

Mark S. Hasheider, as a member of the Seismic Safety Commission;

Also,

Toby Ray Bottom, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Deborah I. Halter, as a member of the Missouri Veterans Commission;

Also,

Karen M. Luebbert, as a member of the Missouri Higher Education Loan Authority;

Also,

Marvin R. Beck and Alverne B. Fiddmont-Hood, as members of the Advisory Commission for Professional Physical Therapists.

Senator DePasco requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator DePasco moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 889**, entitled:

An Act to repeal section 162.975, RSMo Supp. 1998, and to enact in lieu thereof six new sections for the sole purpose of increasing the reading levels of younger children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 26** and **117**, entitled:

An Act to repeal sections 565.020 and 565.032, RSMo 1994, relating to murder in the first degree, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 676**, entitled:

An Act to repeal sections 115.105, 115.195, 115.199, 115.289, 115.298, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.637, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 686**, entitled:

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 895**, entitled:

An Act to repeal section 57.201, RSMo Supp. 1998, relating to sheriffs' deputies in certain counties, and to enact in

lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 792**, entitled:

An Act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 930**, entitled:

An Act to repeal section 8.012, RSMo 1994, relating to the display of the POW/MIA flag, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 328**, entitled:

An Act to repeal section 552.030, RSMo 1994, relating to criminal competency, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 454, regarding the Reverend Frederick A. Meyer, which was adopted.

Senator Ehlmann offered Senate Resolution No. 455, regarding the Reverend Dennis J. Doyle, which was adopted.

Senator Ehlmann offered Senate Resolution No. 456, regarding the Reverend Richard J. Tillman, which was adopted.

Senator DePasco offered Senate Resolution No. 457, regarding Salvatore Valenti, Columbus Park, which was adopted.

Senator House offered Senate Resolution No. 458, regarding Marilyn Johnson, Louisiana, which was adopted.

Senator Clay offered Senate Resolution No. 459, regarding Major Donald J. Cognata, St. Louis, which was adopted.

Senator Ehlmann offered Senate Resolution No. 460, regarding Alderman Joe Weis, Weldon Spring, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Mike and Peggy Phillips, and their children Michael and Patrick, Raymore; and Michael and Patrick were made honorary pages.

Senator Sims introduced to the Senate, representatives of the Girl Scouts from the Midland Empire, Becky Thatcher, Mid-Continent, Heart of Missouri, Greater St. Louis, Ozark Area, Dogwood Trails, Otahki and Cotton Boll Chapters.

Senator Caskey introduced to the Senate, Matt Goforth, Butler; and Dean Alexander, Appleton City.

Senator Graves introduced to the Senate, Gary Hill, Richard Fordyce and students from Bethany.

Senator Kenney introduced to the Senate, Chris Carlton, William Hudson, Danielle Harvey, Mark Brewer, Jane Petry and Joyce Kelly, Lee's Summit.

Senator Bentley introduced to the Senate, representatives from the Division of Youth Services/Community Learning Center, Springfield.

Senator Graves introduced to the Senate, members of EXCEL from Sullivan County.

Senator Graves introduced to the Senate, Terry Ecker and students from Nodaway County.

Senator Johnson introduced to the Senate, fifty eighth grade students from St. Therese Catholic School, Parkville; and Adam Arredondo, Anna Fahey, Ryan Kahm and Elizabeth Raine were made honorary pages.

On behalf of Senator Staples, the President introduced to the Senate, fourth grade students from Bismarck.

Senator Banks introduced to the Senate, Sidney Brown, St. Louis; and Sidney was made an honorary page.

Senator Rohrbach introduced to the Senate, Joyce Rohrbach, April Gensler and Andrea Ashley, Jamestown; Kayla Profitt and Amanda Huhmann, Tipton; and Brett Hall, California.

Senator Yeckel introduced to the Senate, Nancy Wirkmeister and sixty-five eighth grade students from St. Catherine Labourne School, St. Louis; and Michael Beck, Jeff Evitts, Laura Ruzicka and Theresa Schlueter were made honorary pages.

Senator Rohrbach introduced to the Senate, Becky Schad and Bobby Grey, Versailles; Amy Wilson and Joey Heman, Stover; and W.D. Hunter and Pat Marriott.

Senator Johnson introduced to the Senate, Ryan Hoefling, Faucett; Bryan Champ, J.D. Lawrence, Jay Sherrod and Mark Pierce, Rushville; Rachael Pepper, Mandy Gregory, Heather Parrott, Ashley Hickman and Chuck Sailor, DeKalb; and Brandon Frakes, St. Joseph.

Senator Maxwell introduced to the Senate, Norman Benne, Paris; and Chad Spurling, Mexico.

Senator Johnson introduced to the Senate, Jessica Ray, Dearborn; Steven Couch, Kansas City; and Gary Oberdiek, Platte City.

Senator Westfall introduced to the Senate, Rachel Daniels and Sarah Miller, Stockton.

Senator Kenney introduced to the Senate, Steve, Kelli, Tyler, Cody and Aubree Dennis, Homeschoolers from Grandview; and Tyler and Cody were made honorary pages.

Senator Westfall introduced to the Senate, David Geier and Larry Hughes, Moniteau County; Lana Merrick, Lawrence County; Martha and Gerald Link, Randolph County; Ardell Mikus, Warren County; Melissa Wright, Audrain County; Gary Mahnken, Lafayette County; and Tim Daw, Clark County.

Senator Steelman introduced to the Senate, Bethany Litty and Darryl Sharp, New Bloomfield; and Michael Hodges, Bethany.

Senator Russell introduced to the Senate, Amanda St. Ivany and Sarah Driver, Camdenton; and Courtney Bechtel, Stoutland.

Senator Wiggins introduced to the Senate, Maggie Routh, Lorena Kraft, Luella Cooper, Cristina Ruiz, Bryan Jones and Elizabeth Nguyn, Kansas City.

Senator Clay introduced to the Senate, the Physician of the Day, Dr. Susan Threats, M.D., St. Louis.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Monday, March 29, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 29, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God and Heavenly Father: We begin the most sacred week in the Christian Calendar and prepare for Passover, so we pray that as this holy time is upon us we may re-commit ourselves to Your teaching, recognize the lengths You have gone to claim and redeem us as Your people and call us to lead a moral and ethical life as we serve this Senate and the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 25, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Bland	Flotron	Scott--3	
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 461, regarding Kenneth E. Ross, D.O., House Springs, which was adopted.

Senator Stoll offered Senate Resolution No. 462, regarding Jeromy Crump, Crystal City, which was adopted.

Senator Kenney offered Senate Resolution No. 463, regarding Zachary Michael Morehead, Grain Valley, which was adopted.

Senator Graves offered Senate Resolution No. 464, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Wayne Downing, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 465, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank

Carroll, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 466, regarding the Fifty-sixth Wedding Anniversary of Mr. and Mrs. Clyde Welch, Rock Port, which was adopted.

Senator Mueller offered Senate Resolution No. 467, regarding Brigit D. Kendall, Sunset Hills, which was adopted.

Senator Howard offered Senate Resolution No. 468, regarding Three Rivers Community College, Poplar Bluff, which was adopted.

Senator Quick offered Senate Resolution No. 469, regarding Carol L. Babcock, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 470, regarding Michelle Jennings, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 471, regarding Gwyn Blunk, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 472, regarding Aaron Beatty, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 473, regarding Clint Helfers, Blue Springs, which was adopted.

Senator Schneider offered Senate Resolution No. 474, regarding James A. Meiners, Jr., Florissant, which was adopted.

Senator Ehlmann offered Senate Resolution No. 475, regarding Heath Lee Goodrich, Lake St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 476, regarding Julia Diane Kitsmiller, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 477, regarding Major/Chief Deputy Richard L. Marberry, Jefferson County, which was adopted.

Senator Ehlmann offered Senate Resolution No. 478, regarding Michael B. "Mike" Wilson, St. Charles, which was adopted.

Senator DePasco offered Senate Resolution No. 479, regarding Farah N. Awan, Kansas City, which was adopted.

Senator Steelman offered Senate Resolution No. 480, regarding the death of John Wendell Twitty, Rolla, which was adopted.

Senator Staples offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 481

WHEREAS, the members of the Missouri Senate believe that a firm path into the future must be built upon a keen understanding of the diverse nature of the history of the Show-Me State; and

WHEREAS, one of the most divisive and important events to engulf this state was the War Between the States which began and ended in April months that were separated by four long years of intense fighting and bloodshed; and

WHEREAS, 40,000 brave Missouri men from all areas of the state chose to defend their state and the Confederate States of America, first as members of partisan units and the Missouri State Guard and later as soldiers in the armies of the Confederacy; and

WHEREAS, the vaunted Missouri Brigade and other units saw action outside this fine state in the difficult battles which were fought at Shiloh, Vicksburg, and Franklin at the same time as the war within the state ranked third behind the states of Virginia and Tennessee in the number of military clashes between Union and Confederate forces; and

WHEREAS, Missouri suffered political upheaval in many ways during this time, including the loss of elected Governor Claiborne Fox Jackson of Randolph County who was replaced by a provisional governor elected by the Missouri State Convention on July 31, 1861, after Governor Jackson declared his allegiance with the Confederacy and joined the southern cause only to die a year later; and

WHEREAS, the Sons of Confederate Veterans is an international historical organization which was established in 1896 for descendants of Confederate soldiers who are dedicated to the preservation of the memory and honor of those who fought for what they believed was just, right, and constitutional; and

WHEREAS, the Missouri Division of the Sons of Confederate Veterans celebrate the month of April as Confederate History Month with all due reverence and solemn pride:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to acknowledge the examination of this historical period in Show-Me State heritage and to recognize the Sons of Confederate Veterans for the role it plays in promulgating a deeper understanding of Missouri history; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Chapter of the Sons of Confederate Veterans as it commemorates Confederate History Month.

Senator Johnson assumed the Chair.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 482

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 9:00 a.m. to 5:00 p.m. on Saturday, September 4, 1999 for the purpose of a citizenship assembly and workshop.

Senator Russell offered Senate Resolution No. 483, regarding the Lady Jays Basketball Team from Marshfield High School, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 394**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 394

An Act to repeal sections 137.016, 138.430, 140.110, 242.580, 243.370, 245.210 and 516.010, RSMo 1994, relating to ownership of property, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Quick.

On motion of Senator Quick, **SCS for SB 394** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Sims	Singleton	Staples	Steelman

Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senators		
Bland	Flotron	Scott--3	

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SB 288**, introduced by Senator Quick, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 288

An Act relating to the establishment of the Missouri settlement trust fund.

Was taken up.

On motion of Senator Quick, **SS No. 2** for **SB 288** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senator Caskey--1	
	Absent--Senator Schneider--1	
	Absent with leave--Senators	
Bland	Flotron	Scott--3

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 179**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Goode raised the point of order that SCA 1 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Wilson assumed the Chair.

Senator Childers offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 179, Page 2, Section 8.878, Line 2, by inserting after the word "assembly" on said line the words "for approval".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 179, Page 6, Section 327.395, Line 17, Change Title to "relating to state and political subdivisions contracting."; and further by inserting after all of said line the following:

"Section 1. Notwithstanding any other law to the contrary, no county official or employee may receive any personal income pursuant to a contract with a political subdivision that requires use of their official office or the property of such office. Compensation otherwise due under such contracts shall be deposited into the county general revenue fund."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Mathewson raised the point of order that SA 2 is out of order as it exceeds the purpose and intent of the bill and, further, that the amendment is improperly drafted.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 179, Page 1, Section 8.875, Line 13, by inserting after the word "project" on said line the following: "provided however that the provisions of this section shall in no way be construed to require the contracting entities to include any collective bargaining agreement as a condition of participation in a project governed by such contract".

Senator Childers moved that the above amendment be adopted.

Senator Staples raised the point of order that SA 3 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Childers offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 179, Page 1, Section 8.875, Line 13, by inserting after the word "project" on said line the following: "provided however that no contract pursuant to this section may require nor prevent the contracting entities to include any collective bargaining agreement as a condition of participation in a project governed by such contract".

Senator Childers moved that the above substitute amendment be adopted.

At the request of Senator Goode, **SB 179**, with **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

Senator Rohrbach moved that **SB 37**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 37

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 37** be adopted.

Senator Bentley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 37, Page 6, Section 67.475, Line 24, by inserting after all of said line the following:

"67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

- (a) The legal description of the proposed district, including a map illustrating the district boundaries;
- (b) The name of the proposed district;
- (c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;
- (d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;
- (e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;
- (f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;
- (g) If the district is to be a political subdivision, the number of directors to serve on the board;
- (h) The total assessed value of all real property within the proposed district;
- (i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;
- (j) The proposed length of time for the existence of the district;
- (k) The maximum rates of real property taxes, **and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand,** that may be submitted to the qualified voters for approval;
- (l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;
- (m) The limitations, if any, on the borrowing capacity of the district;
- (n) The limitations, if any, on the revenue generation of the district;
- (o) Other limitations, if any, on the powers of the district;
- (p) A request that the district be established; and
- (q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner:.....

Owner's telephone number and mailing address:.....

If signer is different from owner:

Name of signer:.....

State basis of legal authority to sign:

Signer's telephone number and mailing address:

If the owner is an individual, state if owner is single or married:.....

If owner is not an individual, state what type of entity:

Map and parcel number and assessed value of each tract of real property within the proposed district owned:
.....

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

.....

Signature of person signing for owner Date

STATE OF MISSOURI)

) ss.

COUNTY OF)

Before me personally appeared, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this day of (month),(year).

.....

Notary Public

My Commission Expires:

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general

circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes, **and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand**, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) To fix, charge and collect fees, rents and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

- (c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;
- (11) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- (12) To loan money as provided in sections 67.1401 to 67.1571;
- (13) To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- (14) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;
- (15) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:
 - (a) Pedestrian or shopping malls and plazas;
 - (b) Parks, lawns, trees and any other landscape;
 - (c) Convention centers, arenas, aquariums, aviaries and meeting facilities;
 - (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;
 - (e) Parking lots, garages or other facilities;
 - (f) Lakes, dams and waterways;
 - (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
 - (h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;
 - (i) Paintings, murals, display cases, sculptures and fountains;
 - (j) Music, news and child-care facilities; and
 - (k) Any other useful, necessary or desired improvement;
- (16) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;
- (17) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- (18) Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;
- (19) Within its boundaries, to lease space for sidewalk café tables and chairs;
- (20) Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

- (21) Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;
- (22) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;
- (23) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;
- (24) To provide or support training programs for employees of businesses within the district;
- (25) To provide refuse collection and disposal services within the district;
- (26) To contract for or conduct economic, planning, marketing or other studies; and
- (27) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

- (1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and
- (2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1501. 1. A district may use any one or more of the assessments, taxes, or other funding methods specifically authorized pursuant to sections 67.1401 to 67.1571 to provide funds to accomplish any power, duty or purpose of the district; provided, however, no district which is located in any city not within a county and which includes any real property that is also included in a special business district established pursuant to sections 71.790 to 71.808, RSMo, prior to the establishment of the district pursuant to sections 67.1401 to 67.1571 shall have the authority to impose any such tax or assessment pursuant to sections 67.1401 to 67.1571 until such time as all taxes or special assessments imposed pursuant to sections 71.790 to 71.808, RSMo, on any real property **or on any business** located in such special business district or on any business or individual doing business in such special business district have been repealed in accordance with this subsection. The governing body of a special business district which includes real property located in a district established pursuant to sections 67.1401 to 67.1571 shall have the power to repeal all taxes and assessments imposed pursuant to sections 71.790 to 71.808, RSMo, and such power may be exercised by the adoption of a resolution by the governing body of such special business district. Upon the adoption of such resolution such

special business district shall no longer have the power to impose any tax or special assessment pursuant to sections 71.790 to 71.808, RSMo, until such time as the district or districts established pursuant to sections 67.1401 to 67.1571 which include any real property that is also included in such special business district have been terminated or have expired pursuant to sections 67.1401 to 67.1571.

2. A district may establish different classes of real property within the district for purposes of special assessments. The levy rate for special assessments may vary for each class or subclass based on the level of benefit derived from services or improvements funded, provided or caused to be provided by the district.

3. Notwithstanding anything in sections 67.1401 to 67.1571 to the contrary, any district which is not a political subdivision shall have no power to levy any tax but shall have the power to levy special assessments in accordance with section 67.1521.

67.1531. 1. The district may levy by resolution a tax upon real property **or on any business** located within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot, the tax which the resolution seeks to impose. If a majority of the votes cast by the qualified voters voting on the proposed tax are in favor of the tax, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the tax, then the resolution seeking to levy the tax shall be deemed to be null and void.

2. The district may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters pursuant to subsection 1 of this section and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

3. The ballot shall be substantially in the following form:

(1) Shall the (insert name of district) Community Improvement District ("District") impose a real property tax upon (all real property) within the district at a rate of not more than (insert amount) dollars per hundred dollars assessed valuation for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of purpose) in the district?

[] YES [] NO

and

(2) In the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand:

Shall the (insert name of district) Community Improvement District ("District") impose a real property tax within the district at a rate of not more than (insert amount) dollars per hundred dollars assessed valuation and/or a business license tax in an amount not to exceed upon all persons who are engaged in the business of for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of purpose) in the district?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

4. No district levying a real property tax **or a business license tax** pursuant to this section may repeal or amend such real property tax **or a business license tax** or lower the tax rate of such tax if such repeal, amendment or lower rate will impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or obligations that it has issued to finance any improvements or services rendered within the district."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SCS** for **SB 37**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 37**, as amended, was declared perfected and ordered printed.

Senator Stoll moved that **SB 425**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 425**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 425

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to remediation of student academic deficiencies.

Was taken up.

Senator Stoll moved that **SCS** for **SB 425** be adopted.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 425, Page 3, Section 167.333, Line 71, by inserting immediately after said line the following:

"(7) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999.".

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson assumed the Chair.

Senator Stoll moved that **SCS** for **SB 425** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 425** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 215** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 215, Page 1, Section 103.083, Line 8, by inserting after the word "and" the following: "**retrospective**"; and

Further amend said bill, Page 1, Section 103.083, Line 9, by striking the following: "on a retroactive basis".

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 215**, with **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1--Appropriations.

HCS for **HB 2**--Appropriations.

HCS for **HB 3**--Appropriations.

HCS for **HB 4**--Appropriations.

HCS for **HB 5**--Appropriations.

HCS for **HB 6**--Appropriations.

HCS for **HB 7**--Appropriations.

HCS for **HB 8**--Appropriations.

HCS for **HB 9**--Appropriations.

HCS for **HB 10**--Appropriations.

HCS for **HB 11**--Appropriations.

HCS for **HB 12**--Appropriations.

HCS for **HB 889**--Education.

HS for **HCS** for **HBs 26** and **117**--Civil and Criminal Jurisprudence.

HCS for **HB 676**--Elections, Veterans' Affairs and Corrections.

HS for **HCS** for **HB 686**--Local Government and Economic Development.

HB 895--Civil and Criminal Jurisprudence.

HB 792--Civil and Criminal Jurisprudence.

HB 930--Elections, Veterans' Affairs and Corrections.

HB 328--Civil and Criminal Jurisprudence.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 327**, entitled:

An Act to repeal section 552.040, RSMo Supp. 1998, relating to criminal competency, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 500**, entitled:

An Act to repeal section 304.180, RSMo 1994, and sections 301.010 and 304.200, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 915**, entitled:

An Act to repeal section 394.120, RSMo 1994, relating to transaction of business at meetings of electric cooperatives, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha A Gragg, Republican, Rural Route 2, Post Office Box 167, Milan, Sullivan County, Missouri 63556, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, Rosa Miller, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald M. Claycomb, 1102 Tanya Lynn, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margaret "Meg" A. Harding, Democrat, 6924 Northwest Highway Nine, Kansas City, Platte County, Missouri 64152, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 1999, and until her successor is duly appointed and qualified; vice, William H. Worley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen E. Touzeau, 2901 Conestoga Court, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christine C. Meyer, 1008 West 71st Terrace, Kansas City, Jackson County, Missouri 64114, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karla K. Dwyer, 2203 North Somerset, Kirksville, Adair County, Missouri 63501, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until her successor is duly appointed and qualified; vice, Kathy Crow, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald E. Graham, 1311 Southwest Granite Creek Drive, Blue Springs, Jackson County, Missouri 64015, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Barbara, Josh and Edward Pemberton, Senath; and

Cindy Andrews and Becca and Ned Stevens, St. Louis; and Edward and Josh were made honorary pages.

Senator Stoll introduced to the Senate, Alex and Kyle Mooney, Festus; and Alex and Kyle were made honorary pages.

Senator Singleton introduced to the Senate, Daniel Henson, Ashley Baine, Nick Prewett, Brett Doennig, Tobin Schultz, Jennifer Forsythe, Becky Millican, Tara Anderson, Jonah Weaver, Ryan Chapman, Duane Johnson, Seth Ganes and Professor Annette St. Clair, Joplin.

Senator Singleton introduced to the Senate, Lori Schlueter, Susan Bilderback, Laura Willson, Melissa Conness, Aimee Gruenewald, Kara Heath, Keara Janisch, Shellie Hembree, Melanie Friend and Mandy Muncy, Neosho.

Senator Graves introduced to the Senate, Lysander Overstreet and students from North Harrison, Eagleville.

Senator Bentley introduced to the Senate, Katelyn, Melissa and Michelle Lamitina, Matt Young and Josh Beebe, Springfield; and Melissa, Katelyn, Matt and Josh were made honorary pages.

Senator Childers introduced to the Senate, Trisha Chellios, Lisa Gosa, Janet Phelps, Melissa White, Richelle Tillman, Amanda Davis, Tessa Timmons, Paula Jones, Mike Collins and Tonya Lewis, members of the Reeds Spring Stream Team.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, MARCH 30, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We come in absolute humility with our frailties and imperfections. We pray that You may hear our petitions and accept our efforts of service first to You and the people of this state. Bless us with Your presence and walk this day with us everywhere we go. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bland--1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 484, regarding Stand Up for Rural America Day, which was adopted.

On behalf of Senator Bland, Senator Wiggins, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 485

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of a long time and beloved colleague from Kansas City, Representative Fletcher Daniels; and

WHEREAS, Representative Daniels had spent 12 years on the Kansas City School Board and 15 years in the House of Representatives; and

WHEREAS, Representative Daniels was a long time leader of the Civil Rights Movement in Kansas City and nationally was one of the stalwart leaders of Freedom Incorporated;

WHEREAS, Representative Daniels worked for 30 years for the United States Postal Service where he was a leader of their union; and

WHEREAS, Representative Daniels worked consistently and unbelievably hard for all children to have a quality education and he knew no color or race, he was only for the rights of children; and

WHEREAS, Representative Daniels was active in civic and community affairs too numerous to mention in this resolution; and

WHEREAS, Representative Daniels will be missed most of all by his family in whose heart and love always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, Representative Fletcher Daniels, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and to his fellow human beings, and express most sincere sympathy on his death to his family and many friends; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Representative Daniels' family, Freedom Incorporated, the Kansas City Board of Education and the Metropolitan Missionary Baptist Church.

The Senate stood for a moment of silence in memory of Representative Fletcher Daniels.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 486

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of a long time and beloved friend from Kansas City, Dr. Jack Lee Marvin; and

WHEREAS, Dr. Marvin was a veteran of the United States Army in World War II, and was a well known radio and television personality both for his talk show and his western band, The Indiana Drifters; and

WHEREAS, Dr. Marvin was a dedicated alumnus of The Cleveland Chiropractic College, whose professional career exemplified the professional reputation of that college; and

WHEREAS, Dr. Marvin was a long time member of Calvary Lutheran Church and a member of the Veterans of Foreign Wars, and a member of civic, fraternal and community projects too numerous to mention in this resolution; and

WHEREAS, Dr. Marvin cared deeply for all people and provided health care to persons who needed him even when they had no money, and a few hours before his untimely death, purchased groceries to be distributed to the poor; and

WHEREAS, Dr. Marvin and his family were close and dear friends of our colleague, the current senator from the 10th district, Senator Harry Wiggins, who is anxious to honor his old friend in the annals of the Missouri Senate by this resolution; and

WHEREAS, Dr. Marvin was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, Dr. Jack Lee Marvin, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and to his fellow human beings, and express most sincere sympathy on his death to his family and many friends; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family, Cleveland Chiropractic College and the Calvary Lutheran Church.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 1, SB 92, SB 111, SB 129 and SB 222**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Flotron offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 7, Section 287.160, Line 41, by striking the word "ten" and inserting in lieu thereof the word "fifteen".

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Pages 23 and 24, Section 536.031, by striking all of said section; and further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 1, In the Title, Line 6, by striking the word "judiciary" and substitute: "powers and procedures of judicial and administrative tribunals".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 1, Section A, Line 11, by inserting after all of said line the following:

1.302. The compelling state interest test shall be imposed on all state and local laws and ordinances in all cases in which free exercise and enjoyment of religious belief or practice is substantially burdened.

1.305. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is the least restrictive means of furthering that compelling

governmental interest.

2. "Exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. "Demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government to burden any religious belief."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 5** is out of order as it adds new subject matter to the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 20, Section 506.369, Line 18, by adding at the end thereof, the following:

"506.370. The enactment of any law dealing with the tobacco settlement or tobacco settlement trust fund shall not be construed by any court of this state as evidence that the moneys are included or not included in total state revenues as defined in article X, Section 17, of the Missouri Constitution."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 6** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 26, Section 590.140, Line 36, by inserting after all of said line the following:

"Section 1. Any attorneys acting on behalf of the state of Missouri in a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products shall receive compensation solely pursuant to lawful appropriation by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 7** is out of order in that it is outside the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 26, Section 590.140, Line 36, by inserting after all of said line the following:

"Section 1. No court shall award or approve compensation to any attorneys acting on behalf of the state of Missouri in a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products unless such compensation is pursuant to lawful appropriation by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator Schneider, **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS** and **SA 8** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 425**; and **SCS** for **SB 37**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 14, 60 and 69**; and **SS** for **SCS** for **SB 338**, begs leave to report that it has considered the same and recommends that the bills do pass.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mathewson.

RESOLUTIONS

Senator House offered Senate Resolution No. 487, regarding Lance Trudel, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Steelman moved that **SCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **SCR 12** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Ehlmann	Flotron	Schneider--4
Absent with leave--Senator Bland--1			

SENATE BILLS FOR PERFECTION

Senator Clay moved that **SB 386**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 386**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 386

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.275, 362.550, 362.610, 408.035, 456.520 and 475.093, RSMo Supp. 1998, relating to banking, and to enact in lieu thereof eighteen new sections relating to the same subject.

Was taken up.

Senator Clay moved that **SCS** for **SB 386** be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SB 386** was declared perfected and ordered printed.

Senator Sims moved that **SB 233**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 233**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 233

An Act to repeal sections 167.126 and 167.171, RSMo Supp. 1998, relating to placement of children, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SB 233** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 233, Page 3, Section 167.126, Line 77, by inserting after the word "**jurisdiction**" the following: "**and from whom excess educational costs are billed to the department of elementary and secondary education**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Sims moved that **SCS** for **SB 233**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 233**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 347**, **SB 40**, **SB 241**, and **SB 301**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 347, 40, 241** and **301**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 347, 40, 241 and 301

An Act to repeal sections 160.518, 162.720, 170.011, RSMo 1994, section 163.015, RSMo Supp. 1998, and section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to education, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SBs 347, 40, 241** and **301** be adopted.

Senator House offered **SS** for **SCS** for **SBs 347, 40, 241** and **301**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 347, 40, 241 AND 301

An Act to repeal sections 160.415, 160.518, 170.011, RSMo 1994, sections 163.015 and 163.172, RSMo Supp. 1998, and section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to education, and to enact in lieu thereof twelve new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **SBs 347, 40, 241** and **301** be adopted.

Senator Mathewson assumed the Chair.

Senator Clay offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 40, Section 170.059, Line 3, by inserting after all of said line the following:

"173.775. 1. The Missouri critical teacher shortage forgivable loan program shall make undergraduate and

graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area.

2. To be eligible for a program loan, a candidate shall:

(1) Be a full-time student in an upper division undergraduate or graduate level in a teacher training program approved by the Department of Education leading to certification as a teacher;

(2) Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in public elementary or secondary schools of Missouri in a critical teacher shortage area identified by the state board of education;

(3) If applying for or renewing an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work;

(4) If applying for or renewing a graduate forgivable loan, have maintained a minimum cumulative grade point average of 3.0 on a 4.0 scale for all graduate work;

3. An undergraduate forgivable loan may be awarded for two undergraduate years and shall not exceed four thousand dollars per year, or for a maximum of three years for programs requiring a fifth year of instruction to obtain initial teaching certification.

4. A graduate forgivable loan may be awarded for two graduate years and shall not exceed eight thousand dollars per year.

5. The state board of education shall adopt by rule repayment schedules and applicable interest rates. A forgivable loan shall be repaid within ten years of completion of a program of studies.

6. Credit for repayment of a forgivable loan pursuant to this section shall be in an amount not to exceed four thousand dollars in loan principal plus applicable accrued interest for each full year of eligible teaching service. However, credit in an amount not to exceed eight thousand dollars in loan principal plus applicable accrued interest shall be given for each full year of eligible teaching service completed at a high population density, low-economic condition urban school or at a low population density, low-economic condition rural school, as identified by the state board of education.

7. Any loan recipient who fails to teach in a public elementary or secondary school in this state as specified in this section shall repay the loan plus interest accruing at eight percent annually.

8. Loan recipients may receive loan repayment credit for teaching service rendered at any time during the scheduled repayment period. However, such repayment credits shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous payments of principal and interest.

9. The state board of education shall work with local school districts to develop rules to implement this section.

10. The board is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Kenney offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 2, Section 173.775, Line 13, by inserting immediately after said line the following:

"A forgivable loan recipient must begin teaching in a critical teacher shortage area within one year upon completion of a program of studies or begin a scheduled repayment plan as approved by the department."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 8, Section 160.518, Line 7, by inserting the word "seventieth" in lieu of the word "fiftieth" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 40, Section 170.059, Line 3, by inserting after all of said line the following:

"Section 1. 1. There is hereby created the "Missouri Teachers Corps". The department of higher education and the department of elementary and secondary education shall provide staff and facilities for the corps.

2. The corps shall recruit one hundred college seniors or graduates each year to contract to teach in designated schools for a two-year period. No recruit shall have majored in education. Each recruit shall have a bachelor's degree upon entering the corps in mathematics, science, social studies, English or a foreign language.

3. The corps shall:

(1) Provide dedicated, talented teachers for school districts where an inadequate supply of teachers exists;

(2) Afford a structured entry into the teaching profession for outstanding liberal arts graduates who may have never taught; and

(3) Identify and nurture educational leaders for the twenty-first century.

4. The corps shall provide, with the assistance of the state colleges and universities, an eight-week intensive training institute for the recruits to provide skills needed to assist them in teaching. Upon successful completion

of certification requirements, recruits shall be assigned by the corps to public school districts on the basis of local need.

5. The corps shall provide members with tuition and book allowances and housing allowance for the member's pursuance of a master of arts degree in curriculum and instruction in an evenings and weekends and summer schedule for the first two years.

6. Corps members shall be compensated as are other teachers.

7. The department of elementary and secondary education may adopt rules to implement the provisions of this section.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 9, Section 160.518, Line 22 of said page, by inserting after all of said line the following:

"[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]" ; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator House, **SB 347**, **SB 40**, **SB 241** and **SB 301**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 467**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 467**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 467

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

Was taken up.

Senator Caskey moved that **SCS** for **SB 467** be adopted.

Senator Caskey offered **SS** for **SCS** for **SB 467**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 467

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

Senator Caskey moved that **SS** for **SCS** for **SB 467** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 467** was declared perfected and ordered printed.

Senator Staples assumed the Chair.

Senator Caskey moved that **SB 336** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 336**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 336

An Act to amend chapter 303, RSMo, and chapter 507, RSMo, by adding thereto two new sections relating to contracts of insurance.

Senator Caskey moved that **SS** for **SB 336** be adopted.

At the request of Senator Caskey, **SB 336**, with **SS** (pending), was placed on the Informal Calendar.

Senator Scott assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 242**, begs leave to report that it has considered the same and recommends that the resolution do not pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 488, regarding Jerry Husgen, St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

March 29, 1999

The Honorable Joe Maxwell

State Capitol, Room 219

Jefferson City, MO 65101

Dear Joe:

It is my pleasure to appoint you to serve on the **Missouri Ethanol and Other Renewable Fuel Sources Commission**, pursuant to Section 414.420, RSMo Supp. 1993.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 29, 1999

The Honorable Wayne Goode

Missouri Senate

State Capitol, Room 333

Jefferson City, MO 65101

Dear Wayne:

It is my pleasure to appoint you to serve as a member of the **Oversight Committee on Community Block Grant Program** (Department of Economic Development) Section 7.055 (House Bill 7).

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 29, 1999

The Honorable Sidney Johnson

Missouri Senate

State Capitol, Room 332

Jefferson City, MO 65101

Dear Sidney:

It is my pleasure to appoint you to serve as a member of the **Oversight Committee on Community Block Grant Program** (Department of Economic Development) Section 7.055 (House Bill 7).

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 29, 1999

The Honorable Joe Maxwell

Missouri Senate

State Capitol, Room 219

Jefferson City, MO 65101

Dear Joe:

It is my pleasure to appoint you to serve as a member of the **Oversight Committee on Community Block Grant Program** (Department of Economic Development) Section 7.055 (House Bill 7).

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 29, 1999

The Honorable Walt Mueller

Missouri Senate

State Capitol, Room 330

Jefferson City, MO 65101

Dear Walt:

It is my pleasure to appoint you to serve as a member of the **Oversight Committee on Community Block Grant Program** (Department of Economic Development) Section 7.055 (House Bill 7).

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

Also,

March 29, 1999

The Honorable John T. Russell

Missouri Senate

State Capitol, Room 419

Jefferson City, MO 65101

Dear John:

It is my pleasure to appoint you to serve as a member of the **Oversight Committee on Community Block Grant Program** (Department of Economic Development) Section 7.055 (House Bill 7).

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Cynthia, Christina, Cathryn, Clinton and Christian Richardson, Homeschoolers from Pleasant Hill; Marjorie Chrismer and Betty Newport, Blue Springs; and Christina, Cathryn, Clinton and Christian were made honorary pages.

Senator Sims introduced to the Senate, Congressman Jim Talent, and his wife, Brenda, St. Louis County.

Senator Westfall introduced to the Senate, ninety-four eighth grade students and their teachers from Aurora Junior High School, Aurora; and Ashley Thomas, Megan Dryer, Adam Johnson and Colt Howard were made honorary pages.

Senator Steelman introduced to the Senate, Kirsten Kemp, Fulton; and Kirsten was made an honorary page.

Senator Klarich introduced to the Senate, James A. Miners, Jr., and his son, James A. Miners, III, Florissant; and James A. Miners, III was made an honorary page.

Senator Mueller introduced to the Senate, Alison Boresi, St. Louis; and Alison was made an honorary page.

On behalf of Senator Mathewson, the President introduced to the Senate, former State Senator Irene Treppler, St. Louis County.

Senator Yeckel introduced to the Senate, Elizabeth Buncher, St. Louis; and Elizabeth was made an honorary page.

Senator Ehlmann introduced to the Senate, Tara Huesemann, St. Charles; and Tara was made an honorary page.

Senator Klarich introduced to the Senate, Vince Winn, St. Louis.

Senator Westfall introduced to the Senate, Jennifer Drake, Bolivar; and Jennifer was made an honorary page.

Senator Russell introduced to the Senate, Janisha Bennett, Mansfield.

Senator Caskey introduced to the Senate, Brandi Anstine, Chilhowee.

Senator Caskey introduced to the Senate, Jay and Sheila Knight, and their son, Matt, and Barbara and Don Donnohue, Appleton City; and Matt was made an honorary page.

Senator Caskey introduced to the Senate, Vicki Brown, Raymore.

Senator Kenney introduced to the Senate, Tara Adams, Independence; and Tara was made an honorary page.

Senator Steelman introduced to the Senate, Laura Tenny, Fulton; and Laura was made an honorary page.

Senator Westfall introduced to the Senate, Abra Gasser, Amber Simmons, Alicia Agee, Zuzana Urminska and Mary Clark, Humansville; and Abra, Amber, Alicia and Zuzana were made honorary pages.

Senator Kinder introduced to the Senate, his mother, Mary Frances Kinder and Millie Limbaugh, Cape Girardeau.

Senator Yeckel introduced to the Senate, Jill Wlodarczyk, and Cub Scout Webelos Den I, Pack 267 from Beasley School, St. Louis; and Jacob Wlodarczyk, Dylan Neel, Nick Eplin and Jeffrey Meyer were made honorary pages.

On behalf of Senator Mathewson, the President introduced to the Senate, Liz, Ruth, Evan and Heath Church, Blue

Springs; and Evan and Heath were made honorary pages.

Senator Quick introduced to the Senate, students from Eastgate Middle School, North Kansas City; and Phil Forrester, Nick Hogge, Arlene Michaels, Paul Roots and Karla Stark were made honorary pages.

Senator Staples introduced to the Senate, Sheila Dirck and Carol Stover, St. Louis.

Senator Mueller introduced to the Senate, Scout Troop 792 from Oak Brook Elementary School.

Senator House introduced to the Senate, three hundred representatives of the Missouri Right to Life Organization.

Senator Westfall introduced to the Senate, Mrs. James A. Noland, Jr., and her grandchildren, Ann, Elise and Ellen Noland-Vance, Blue Springs; and Ann, Elise and Ellen were made honorary pages.

Senator Klarich introduced to the Senate, Horst-Dieter and Renate Dymke, Marbach Am Neckar, Germany.

Senator Rohrbach introduced to the Senate, members of the Hickory County Federation of Republican Women: Clio Faltz, Linda Payne, Betty Thomas, Billie Duffin, Virginia L. Edge, Addie Longshaw, Eva Fae Cooper, Peggy Endley, Freda Hammond and Arvilla Beem.

Senator Maxwell introduced to the Senate, Don and Elaine Baden, Glen Carbon, Illinois.

Senator Kenney introduced to the Senate, Tammy Coleman, Independence.

Senator Schneider introduced to the Senate, fifty seventh grade students from St. Angela Merici, Florissant; and Brett Ernst, Angela Schmalbeck, Ashley Richards and Christopher Foeller were made honorary pages.

Senator Steelman introduced to the Senate, her husband, David, Rolla.

Senator Steelman introduced to the Senate, Federation of Republican Women members from Texas, Phelps and Callaway Counties.

Senator Clay introduced to the Senate, Marlene Davis and William Haas, St. Louis.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, MARCH 31, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Abraham Lincoln once said: "My desire is to so conduct the affairs of this administration that...I do the very best I know how; the very best I can; and I mean to keep on doing it to the end."

Gracious and Heavenly Father: We trust You for the wisdom we need this week to make the correct moral decisions of life and our call to service here in the Senate. May we conduct our affairs the very best we can and trust always for Your guidance and help available to us in prayer. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bland--1

The Lieutenant Governor was present.

REFERRALS

President Pro Tem Quick referred **SCS** for **SB 425** to the Committee on State Budget Control.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 489, regarding Police Chief Floyd O. Bartch, Kansas City, which was adopted.

Senator Bentley offered Senate Resolution No. 490, regarding Anton's Coffee Shop, Springfield, which was adopted.

Senator Staples offered Senate Resolution No. 491, regarding Mark McGwire of the St. Louis Cardinals, which was adopted.

The President placed **SR 242** before the body.

President Wilson assumed the Chair.

Senator Yeckel moved that **SR 242** be adopted.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 242, Page 1, before the "." on the last line, by adding the following: "unless the department of economic development is required by statute enacted by August 28, 1999 to adopt a commission form of government to select its director."

Senator Flotron moved that the above amendment be adopted, which motion failed.

SR 242 was again taken up.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

Senator Yeckel moved that **SR 242** be adopted, which motion failed by the following vote:

YEAS--Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Mueller	Rohrbach
Sims	Singleton	Steelman	Westfall

Yeckel--13

NAYS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Staples	Stoll	Wiggins--20

Absent--Senators--None

Absent with leave--Senator Bland--1

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 70**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 70**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 70

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 70** be adopted.

Senator Schneider offered **SS** for **SCS** for **SB 70**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 70

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof four new sections relating to the same subject.

Senator Schneider moved that **SS** for **SCS** for **SB 70** be adopted.

At the request of Senator Schneider, **SB 70**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 233**; and **SCS** for **SB 386**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 327--Civil and Criminal Jurisprudence.

HB 500--Transportation.

HB 915--Commerce and Environment.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank D. Beller, Democrat, Route 1, Box 124, Linn, Osage County, Missouri 65051, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Bill Thomas, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harriet A. Beard, Republican, 316 South Franklin, Kirksville, Adair County, Missouri 63501, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynn M. Catrett, 8980 Orf Road, O'Fallon, St. Charles County, Missouri 63366, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeanette E. Griffin, 2138 Red Oak Lane, Liberty, Clay County, Missouri 64068, as a member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Jeanette E. Griffin, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gale L. Hackman, Democrat, 246 Virginia Trail, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Wolff, Democrat, 11732 Tarrytown, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Harris Stowe State College Board of Regents, for a term ending July 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 14, 60 and 69**, introduced by Senators Mathewson, Bentley and Steelman, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 14, 60 and 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Was taken up by Senator Mathewson.

On motion of Senator Mathewson, **SS** for **SCS** for **SBs 14, 60 and 69** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28

NAYS--Senator Rohrbach--1

Absent--Senators

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 338**, introduced by Senators Howard and Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Was taken up by Senator Howard.

On motion of Senator Howard, **SS** for **SCS** for **SB 338** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		
Russell	Singleton--2		
	Absent--Senators		
Banks	Maxwell--2		
	Absent with leave--Senator Bland--1		

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SCS for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 37

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459, 67.461, 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SCS** for **SB 37** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Bentley	Maxwell--3	
	Absent with leave--Senator Bland--1		

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 373**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 373** was again taken up.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 373, Page 48, Section 313.720, Line 9 of said page, by inserting immediately after said line the following:

"Section B. The provisions of this act shall become effective on July first of the year following the approval by the voters of this state of a constitutional amendment to section 39(c) of article III of the Missouri Constitution authorizing pari-mutuel wagering on horse racing outside the grounds or enclosure of a race track where live horse racing occurs."; and

Further amend the title accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Jacob assumed the Chair.

Senator Banks raised the point of order that **SA 1** is out of order as it is not germane to the bill that is before the body.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Kenney moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Singleton, Kinder, Russell and Rohrbach.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Ehlmann
Graves	House	Kenney	Kinder
Klarich	Rohrbach	Russell	Steelman
Westfall	Yeckel--14		
NAYS--Senators			
Clay	DePasco	Goode	Howard
Jacob	Johnson	Mathewson	Mueller
Quick	Scott	Sims	Singleton
Staples	Stoll	Wiggins--15	
Absent--Senators			
Banks	Flotron	Maxwell	Schneider--4
Absent with leave--Senator Bland--1			

Senator DePasco moved that **SS** for **SB 373** be adopted, which motion prevailed.

Senator Westfall requested a roll call vote be taken on the perfection of **SS** for **SB 373** and was joined in his request by Senators Bentley, Mueller, Russell and Childers.

SS for **SB 373** was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Banks	Bentley	Clay	DePasco
Graves	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--17			
NAYS--Senators			
Caskey	Childers	Ehlmann	Goode
House	Kenney	Kinder	Klarich
Rohrbach	Russell	Steelman	Stoll
Westfall--13			
Absent--Senators			
Flotron	Maxwell	Singleton--3	
Absent with leave--Senator Bland--1			

Senator Mathewson moved that **SB 215**, with **SA 1** (pending), be called from the Informal Calendar and again taken up

for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 215, Page 1, Section 103.083, Line 5, by deleting said line and replacing in lieu thereof, the following:

"(1) Made or renewed for a term no longer than twenty-four (24) months; and,".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 215**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 209**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 209** was taken up.

At the request of Senator Goode, **SS** for **SB 209** was withdrawn.

Senator Goode offered **SS No. 2** for **SB 209**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 209

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Senator Goode moved that **SS No. 2** for **SB 209** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 209, Page 4, Section 144.856, Lines 24-25 of said page, by striking the following: "within a political subdivision located outside its territorial limits" and inserting in lieu thereof the following: "**outside the territorial limits of the distributor or political subdivision**"; and

Further amend said bill, Page 5, Section 144.856, Line 22 of said page, by inserting after the word "distributor" the following: "**or political subdivision**"; and

Further amend said bill, Page 13, Section 393.299, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "**with the commission to collect and remit all business license taxes in effect pursuant to section 66.300, RSMo, section 71.610, RSMo, section 92.045, RSMo, section 94.110 or 94.360, RSMo. Retail sales of energy services by a**"; and

Further amend said bill, Page 13, Section 393.299, Lines 24-25 of said page, by striking the following: "within a political subdivision located outside its territorial limits" and inserting in lieu thereof the following: "**outside the territorial limits of the distributor or political subdivision**"; and

Further amend said bill, Page 14, Section 393.299, Lines 7-9 of said page, by striking all of said lines and inserting in lieu thereof the following: "**remit all business license taxes in effect pursuant to section 66.300, RSMo, section 71.610, RSMo, section 92.045, RSMo, section 94.110 or 94.360, RSMo.**"; and

Further amend said bill, Page 14, Section 393.299, Line 23 of said page, by inserting after the word "distributor" the following: "**or political subdivision**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 209, Page 22, Section 393.302, Line 9 of said page, by inserting after all of said line the following:

"Section 1. 1. The public service commission shall open a generic, evidentiary docket to consider potential stranded costs, both positive and negative, which may arise in the event that retail electric competition should be implemented. The commission shall develop methods for estimating the net difference between the value in the existing, regulated market and the value in the competitive market of utility generation assets and liabilities, including, but not necessarily limited to, regulatory and other related assets and liabilities, and purchased power contracts. This docket shall also consider potential means of mitigating and recovering stranded costs, and list potential methods by which to determine the amount of stranded costs to be recovered, including the potential for up to one hundred percent recovery.

2. The commission shall open a generic, evidentiary docket to consider market power, which may arise in the event retail electric competition is introduced in any form. In this docket, the commission shall develop methods for analyzing the extent, if any, of market power possessed by the existing regulated utilities, and develop alternative methods for mitigating such market power for various potential forms of deregulated electric generation markets, in the event retail competition is implemented.

3. The commission shall open a generic, evidentiary docket to consider unbundling of retail electric rates. In this docket, the commission shall consider potential methods to unbundle utility rates in order to separately state the principal costs of the services which are currently provided on a bundled basis, including separation of rates for services which may be price regulated and those which may not.

4. The commission shall open each of these dockets as soon as practicable, and shall issue its final reports and orders not later than October 31, 2000.

5. Nothing in this section shall be construed to permit the commission to implement retail electric competition, or to take any steps in that direction without additional authorization as provided by law or delay or otherwise affect any other dockets filed with the commission that consider these issues."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Childers offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Bill No. 209, Page 2, Subsection 5, Line 2, by inserting the words "or allow the implementation of" after the word "implement" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode moved that **SS No. 2** for **SB 209**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS No. 2** for **SB 209**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 336**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SS** for **SB 336** was withdrawn.

SB 336 was again taken up.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 336, Page 2, Section 376.681, Line 19, by adding:

"(3) If the court finds that the insurer's request is not in good faith, the court may assess a penalty against the insurer in an amount not to exceed the limits of its coverage.".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 336, Page 1, In the Title, Line 2, by striking the following: "contracts of"; and

Further amend said bill, page 2, Section 376.681, line 19, by inserting after all of said line the following:

"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use a standardized form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

2. The standardized form developed by the task force as established in section 376.1408 shall contain, but not be limited to, the following:

(1) The name of the insured;

(2) The insured's identification number;

- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**
- (6) The amount paid and any balance due;**
- (7) The procedure code;**
- (8) The patient's full name; and**
- (9) The phone number and name of whom to contact for questions on explanation of benefits.**

3. All health insurance carriers shall use the standard explanation of benefits form after January 1, 2001.

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain, but not be limited to, the following:

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provide of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2001.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by sections 376.1400 and 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry; and**
- (3) Three members from the general public.**

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such

duties.

3. The department of insurance shall have the task force established by January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator House offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 336, Page 2, Section 376.681, Line 19, by adding after all of said line the following:

"3. An insurer shall have no right to intervene under this section unless it obtains the written consent of its insured in the following form: "By purchasing this coverage, I understand and agree that if someone makes a claim against me, the insurance company can sue me to try to avoid providing me with coverage, even if I have paid my premiums. I further agree that if a court decides that the insurance company does not have to defend me, I can be responsible for paying the court costs incurred by the insurance company in suing me. I shall owe such costs in addition to the premiums I pay for my policy.".

Senator House moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 336**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 70**, with **SCS**, and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 70** was again taken up.

Senator Mueller offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, Page 30, Section 407.825, Line 18, by inserting immediately after all of said line the following:

"Section 1. The provisions of section 407.825 of this act shall not apply to any dealer franchise sanctioned and approved by the Missouri department of revenue which sells vehicles provided by a manufacturer which assembles motor vehicles within the state of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SS** for **SCS** for **SB 70** is out of order as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem.

Senator Mathewson raised the point of order that **SCS** for **SB 70** is out of order as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Quick ruled both points of order well taken, rendering **SA 1** moot.

At the request of Senator Schneider, **SB 70** was placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

Senator Caskey moved that **SB 336**, with **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Caskey, **SB 336**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 70** be taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

At the request of Senator Schneider, **SB 70** was placed on the Informal Calendar.

Senator Johnson moved that **SB 345**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion failed.

Senator Johnson offered **SS** for **SB 345**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 345

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly referred to as "partial birth abortion", with penalty provisions.

Senator Johnson moved that **SS** for **SB 345** be adopted.

At the request of Senator Johnson, **SB 345**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 467**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 153**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Quick referred **SCS** for **SB 233** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 268**, entitled:

An Act to repeal section 190.307, RSMo 1994, relating to civil liability of certain emergency telephone service providers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 499**, entitled:

An Act to repeal section 115.647, RSMo 1994, relating to election authorities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 789**, entitled:

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 426**, entitled:

An Act to repeal sections 71.190, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 550**, entitled:

An Act relating to maintenance of records for long-term care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 548**, entitled:

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 846**, entitled:

An Act to repeal section 630.405, RSMo Supp. 1998, relating to purchase of services by the state, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 266**, entitled:

An Act to repeal section 559.021, RSMo Supp. 1998, relating to conditions of probation, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 847**, entitled:

An Act relating to political subdivisions operating as ambulance districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 745**, entitled:

An Act to repeal section 67.582, RSMo Supp. 1998, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 492, regarding Crawford County R-II Elementary School, Cuba, which was adopted.

Senator Yeckel offered Senate Resolution No. 493, regarding Jason Buechlein, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Ginger Adams and students from the Eminence School District.

Senator Sims introduced to the Senate, her grandchildren, Patrick and Maggie Duff, McLean, Virginia; and Patrick and Maggie were made honorary pages.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Wiggins introduced to the Senate, Suzanne Gau and Jordan B. Cherrick, St. Louis.

Senator DePasco introduced to the Senate, the Chamber of Commerce Leadership Class from Independence.

Senator Schneider introduced to the Senate, Rachel Wisdom and Lindsay Wendel, St. Louis County; and Rachel and Lindsay were made honorary pages.

Senator Sims introduced to the Senate, Eydie and Joshua Miller and Paul Richardson, St. Louis County; and Joshua was made an honorary page.

Senator Singleton introduced to the Senate, Diane Sharits, Carthage.

Senator Stoll introduced to the Senate, two hundred and forty students from Fox C-6 Junior High School, Jefferson County.

Senator Singleton introduced to the Senate, Ryan Marlow and Kimberly Gilman, Joplin.

Senator Childers introduced to the Senate, David Gohn, Paul Childers and Moe Sandfort, West Plains.

Senator Childers introduced to the Senate, Judy Geren and eight high school students from Clever School, Christian County.

Senator Childers introduced to the Senate, Stan, Nan, Justin and Kate Bess, Branson.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Bentley introduced to the Senate, Allen Casey and David Knight, Springfield.

Senator Caskey introduced to the Senate, Leah Wilson, Jana Miller, Donna Warner, John Brooks, Laura Andrew, Diana Hoemann and eighth grade students from Warrensburg Middle School, Warrensburg.

Senator Singleton introduced to the Senate, Steve Marble, Gina Crose and Jennifer Koester, Neosho.

Senator Kenney introduced to the Senate, Bret, Andrew and Laurel Morton, Homeschoolers from Lee's Summit; and Bret and Andrew were made honorary pages.

Senator Caskey introduced to the Senate, Monique Agueros, Jason Plummer, Al Voelker and eighth grades students from Warrensburg Middle School, Warrensburg.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, APRIL 1, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

God our victor of life over death: Help us this day to see this weekend away from the Senate more than an extra day thrown in, but a time that permits us to know the gift of Your love for each of us and the life beyond life You have in store for us. Turn our thoughts to the promise of new life daily and its meaning, so that we might do more good with our life each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bland--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 494, regarding Andrew Drumm "Andy" Burton, Independence, which was adopted.

Senator Bentley offered Senate Resolution No. 495, regarding William W. Grubbs, Springfield, which was adopted.

Senator Singleton offered Senate Resolution No. 496, regarding TapJac Do-It Best Lumber, Carthage, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 506** be taken up for perfection, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 506, Page 2, Section A, Line 29, by inserting immediately after said line the following:

"400.2-401. Each provision of this article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (section 400.2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this chapter. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the article on secured transactions (article 9), title **and/or ownership** to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance reverts title to the goods in the seller. Such reversion occurs by operation of law and is not a "sale".

400.2-402. (1) Except as provided in subsections (2) and (3), right of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this article (sections 400.2-502 and 400.2-716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as void if as against him a retention of possession by the seller is fraudulent under any rule of law of the state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this article shall be deemed to impair the rights of creditors of the seller

(a) under the provisions of the article on secured transactions (article 9); or

(b) where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a preexisting claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this article constitute the transaction a fraudulent transfer or voidable preference."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **SB 506**, as amended, was declared perfected and ordered printed.

Senator Mueller moved that **SJR 17** be taken up for perfection, which motion prevailed.

Senator Maxwell assumed the Chair.

President Wilson assumed the Chair.

Senator Howard assumed the Chair.

Senator Mueller moved that **SJR 17** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

SB 397, with **SCS**, was placed on the Informal Calendar.

Senator Schneider moved that **SB 316** be taken up for perfection, which motion prevailed.

At the request of Senator Schneider, **SB 316** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 440**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator Caskey submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 495**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 94**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clay, Chairman of the Committee on Financial and Governmental Organization, Senator DePasco submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 125**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 125, Page 2, Section 21.184, Line 14, by inserting at the end of said line the following:

"For members of the senate who attend the legislative academy, two weeks of the academy shall be devoted to procedural rules of the senate and other areas of particular importance to members of the senate."

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 371, Page 1, Section 513.653, Line 3, by inserting immediately after the word "audit" on said line the following: **", subject to standards promulgated by the state auditor which shall include adequate measures to protect the confidentiality of any law enforcement activities involved in the federal seizures,"**.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 208**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Maxwell, Chairman of the Committee on Commerce and Environment, Senator DePasco submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 248**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Jacob, Chairman of the Committee on Insurance and Housing, Senator Quick submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 429**, **SB 430** and **SB 407**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS No. 2** for **SB 209**; **SB 215**; and **SS** for **SB 373**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Stoll assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 268--Civil and Criminal Jurisprudence.

HB 499--Elections, Veterans' Affairs and Corrections.

HB 789--Elections, Veterans' Affairs and Corrections.

HB 426--Aging, Families and Mental Health.

HB 550--Aging, Families and Mental Health.

HB 548--Ways and Means.

HB 846--Financial and Governmental Organ-ization.

HB 266--Civil and Criminal Jurisprudence.

HB 847--Local Government and Economic Development.

HB 745--Local Government and Economic Development.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 452**, entitled:

An Act to repeal section 302.341, RSMo Supp. 1998, relating to driver's licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 775**, entitled:

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 542**, entitled:

An Act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 122**, entitled:

An Act relating to income taxation, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 58**, entitled:

An Act to repeal section 319.131, RSMo Supp. 1998, relating to petroleum storage tanks, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 903**, entitled:

An Act to repeal sections 376.431, 376.432, 376.436, 376.438 and 376.441, RSMo 1994, relating to group health insurance, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 926**, entitled:

An Act to repeal section 375.1518, RSMo Supp. 1998, relating to life insurance policies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 748**, entitled:

An Act to repeal section 82.380, RSMo 1994, and sections 57.550, 82.390, 82.520 and 82.599, RSMo Supp. 1998, relating to compensation of certain officers in the city of St. Louis, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 415**, entitled:

An Act relating to employment and educational opportunities for selective service registrants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, twenty-five eighth grade students from North Andrew Middle School, Rosendale.

Senator Klarich introduced to the Senate, fourth grade students from Chesterfield Elementary School, St. Louis.

Senator Klarich introduced to the Senate, Jonathan Forrest Dalton, Jr., St. Louis; and Jonathan was made an honorary page.

Senator Sims introduced to the Senate, Steve, Mary Ann and Matthew Chrun, Anne and James Kloepple and Secca Farber, Ladue; and Matthew, James and Secca were made honorary pages.

Senator Yeckel introduced to the Senate, students from Seven Holy Founders, St. Louis County.

Senator Yeckel introduced to the Senate, Virginia, Dan, Sarah and Amanda Gummels, St. Louis County; and Sarah and Amanda were made honorary pages.

Senator Maxwell introduced to the Senate, Phyllis Florea, Susan Johnson and members of the Eugene Field Elementary School Student Council, Hannibal.

Senator Caskey introduced to the Senate, Sandy Katzer, Sharlene Bandelier-Vaughn, Susan McIntire-Davis and thirty-two fourth grade Girl Scouts from Belton.

Senator Childers introduced to the Senate, fourteen students from Exeter School, Barry County.

Senator Stoll introduced to the Senate, his brother Mark Stoll and his nephew Thomas B. Stoll, Crystal City; and Thomas was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Tuesday, April 6, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY--TUESDAY, APRIL 6, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: We pray this day that we may love You as You love us and that what we do reflects that love to others. May we always trust You for the wisdom we need to make the correct moral decisions in our lives and the legislation we pass. We also pray that Your wisdom may be given to the leaders of this world, that peace and reconciliation may be once again found between the Serbian and Kosovo people and that our military personnel may be protected by Your mighty hand. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 1, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators	
Banks	Bland--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 497, regarding Mary Liz Fick, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 498, regarding Bob and Jo Campbell, Rolla, which was adopted.

Senator Ehlmann offered Senate Resolution No. 499, regarding the One Hundredth Birthday of Mrs. Inez Mae Helling, St. Charles, which was adopted.

Senator Flotron offered Senate Resolution No. 500, regarding Frank Frawley, St. Louis, which was adopted.

On behalf of Senator Bland, Senator Quick offered Senate Resolution No. 501, regarding the Fiftieth Wedding

Anniversary of Mr. and Mrs. Alfred "Slick" Surratt, Kansas City, which was adopted.

Senator Graves offered Senate Resolution No. 502, regarding the Tarkio High School Girls Basketball Team, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 503, regarding Jason Richter, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 504, regarding Laura Addison, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 505, regarding Sam and Jan Vitale, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 506, regarding Jeremiah Burpo, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 507, regarding Patrick M. Williams, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 508, regarding Thomas Donovan, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 509, regarding Pundmann Ford, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 510, regarding Sergeant Gary Schwendemann, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 511, regarding Rick and Bobbie Miller, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 512, regarding Misty Gether, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 513, regarding the St. Charles Bureau of KSDK News Channel 5, which was adopted.

Senator Steelman offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 514

WHEREAS, the Internal Revenue Code authorizes certain cash or deferred arrangements, popularly known as "401(k) plans", for employees to participate in tax-advantaged retirement plans; and

WHEREAS, 401(k) plans allows an employee to choose whether a certain amount is to be paid in cash or paid by his or her employer on the employee's behalf to a qualified trust; and

WHEREAS, the income earned by funds in the 401(k) plans are exempt from income tax until the participant has amounts distributed to him or her, usually after retirement; and

WHEREAS, a 10% excise tax is levied on withdrawals from such tax-advantaged retirement plans made before the participant has attained the age of 59 and one-half years, unless one of several exceptions apply; and

WHEREAS, these exceptions include events such as when a participant dies or becomes disabled but does not fully cover situations involving the death or disability of a participant's spouse; and

WHEREAS, such events involve a reduction in income contributed to the household and a possibly dramatic increase in household expenses in the case of disability; and

WHEREAS, expanding the exceptions to the tax penalty for early withdrawals in case of the death or disability of a participant's spouse would offer the participant cheaper access to his or her savings at an important time;

NOW THEREFORE BE IT RESOLVED by the Missouri Senate, Ninetieth General Assembly, that the Senate recommends to the Congress of the United States that the Internal Revenue Code be amended to permit penalty-free withdrawals from 401(k) plans under circumstances of the death or disability of a participant's spouse; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional Delegation.

Senator Russell offered Senate Resolution No. 515, regarding the Boys Basketball Team of Fordland High School, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **HCR 10** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Singleton--1			
Absent with leave--Senators			
Banks	Bland--2		

Senator Maxwell moved that **SCR 15**, with **SCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SCR 15** was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Caskey	Jacob	Sims	Singleton--4
Absent--Senators			
Mathewson	Scott--2		
Absent with leave--Senators			

Senator Stoll moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **SCR 13** was adopted by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bentley--1			
Absent with leave--Senators			
Banks	Bland--2		

Senator Ehlmann moved that **SCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Ehlmann, **SCR 18** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Goode	Jacob--2		
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bland--2		

Senator DePasco announced that photographers from the Associated Press and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

REFERRALS

President Pro Tem Quick referred **SS** for **SB 373** and **SB 215** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SCS for **SB 386**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 386

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.275, 362.550, 362.610, 408.035, 456.520 and 475.093, RSMo Supp. 1998, relating to banking, and to enact in lieu thereof eighteen new sections relating to the same subject.

Was taken up by Senator Clay.

On motion of Senator Clay, **SCS** for **SB 386** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Bland--2		

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 467**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 467

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

Was taken up.

On motion of Senator Caskey, **SS** for **SCS** for **SB 467** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Rohrbach-- 1

Absent--Senator Flotron-- 1

Absent with leave--Senators

Banks Bland--2

Senator Staples assumed the Chair.

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SB 209**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 209

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Was taken up.

President Wilson assumed the Chair.

Senator Staples assumed the Chair.

Senator Mathewson assumed the Chair.

On motion of Senator Goode, **SS No. 2** for **SB 209** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Staples	Steelman	Stoll
Wiggins	Yeckel--26		

NAYS--Senators

Caskey	Howard	Klarich	Russell
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Singleton	Westfall--6
	Absent--Senators--None
	Absent with leave--Senators
Banks	Bland--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Rohrbach	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Howard	Klarich--2		
	Absent--Senators		
Quick	Russell	Singleton--3	
	Absent with leave--Senators		
Banks	Bland--2		

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Wiggins, **SB 75**, **SB 381** and **SB 204**, with **SCS**, were placed on the Informal Calendar.

SB 97, with **SCAs 1** and **2**, was placed on the Informal Calendar.

Senator Mueller moved that **SB 89** be taken up for perfection, which motion prevailed.

Senator Mueller offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 89, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"431.180. 1. All persons who enter into a contract for private **design or** construction work after August 28, 1995, shall make all scheduled payments pursuant to the terms of the contract.

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against a person who has failed to pay. The court may in addition to any other award for damages, award interest at the rate of up to one and one- half percent per month from the date payment was due pursuant to the terms of the contract, and reasonable attorney fees, to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

3. The provisions of this section shall not apply to contracts for private construction work for the building, improvement, repair or remodeling of owner-occupied residential property of four units or less.

4. For purposes of this section, design or construction work shall include design, construction, alteration, repair or maintenance of any building, roadway or other structure or improvement to real property, or demolition or excavation connected therewith, and shall include the furnishing of surveying, architectural, engineering or landscape design, planning or management services, labor or materials, in connection with such work."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

At the request of Senator Mueller, **SB 89**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **SB 97**, with **SCAs 1** and **2**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **SB 97**, as amended, was placed on the Informal Calendar.

Senator Clay moved that **SB 328**, **SB 87**, **SB 100**, and **SB 55**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 328, 87, 100** and **55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 328, 87, 100 and 55

An Act to repeal sections 565.024, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo Supp. 1998, relating to the criminal code, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Clay moved that **SCS** for **SBs 328, 87, 100** and **55** be adopted.

Senator Johnson assumed the Chair.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 565.024, Line 10, by inserting immediately after the end of said line the following:

"570.010. As used in this chapter:

(1) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

(3) "Coercion" means a threat, however communicated:

(a) To commit any crime; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any crime; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business repute of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(4) "Credit device" means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(5) "Dealer" means a person in the business of buying and selling goods;

(6) "Debit device" means a card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(7) "Deceit" means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

[(7)] **(8)** "Deprive" means:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

[(8)] **(9)** "Misabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

[(9)] **(10)** "Of another" property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest

therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[(10)] **(11)** "Property" means anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

[(11)] **(12)** "Receiving" means acquiring possession, control or title or lending on the security of the property;

[(12)] **(13)** "Services" includes transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

[(13)] **(14)** "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.130. 1. A person commits the crime of fraudulent use of a credit device **or debit device** if [he] **the person** uses a credit device **or debit device** for the purpose of obtaining services or property, knowing that:

- (1) The device is stolen, fictitious or forged; or
- (2) The device has been revoked or canceled; or
- (3) For any other reason his use of the device is unauthorized.

2. Fraudulent use of a credit device **or debit device** is a class A misdemeanor unless the value of the property or services obtained or sought to be obtained within any thirty-day period is one hundred fifty dollars or more, in which case fraudulent use of a credit device **or debit device** is a class D felony."; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Pages 2 and 3, Sections 574.087, 574.090 and 574.093, by deleting those sections, and substituting the following: "at the time of sentencing, the judge or jury may consider the status or condition of the victim and the motive of the criminal in determining the punishment for the crime.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Clay, **SB 328**, **SB 87**, **SB 100** and **SB 55**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 409**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 426**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 550**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 487**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 183**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 792**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 741**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 76**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 348**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 359**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 248**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 661**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 136**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 274**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard assumed the Chair.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 103**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 275**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 366**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 776**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 853**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 853, Page 1, Section 89.320, Line 7, by striking "thirteen" and inserting in lieu thereof the following: "**fifteen**".

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 464**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 514**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 662**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 920**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 920, Page 1, In the Title, Line 2, by deleting the words "an advisory committee of"; and

Further amend said bill, Page 1, Section 173.005, Line 10, by inserting immediately after the word "administrator" the words "**with a public or private institution of higher education**".

Also,

Mr. President: Your Committee on Education, to which was referred **HB 778**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 282**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 445**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 445, Page 1, In the Title, Line 2, by striking the following: "section 383.105" and inserting in lieu thereof the following: "sections 383.105 and 383.500"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by striking all of said line and inserting in lieu thereof the following:

"Section A. Sections 383.105 and 383.500, RSMo 1994, are repealed and two new sections enacted in"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "section 383.105" and inserting in lieu thereof the following: "sections 383.105 and 383.500"; and

Further amend said bill, Page 2, Section 383.105, Line 25, by inserting after all of said line the following:

"383.500. 1. Beginning on January 1, 1987, any physician or surgeon who is on the medical staff of any hospital located in a county which has a population of more than seventy-five thousand inhabitants shall, as a condition to his **or her** admission to or retention on the hospital medical staff, furnish satisfactory evidence of a medical malpractice insurance policy of at least five hundred thousand dollars. The provisions of this section shall not apply to physicians or surgeons who:

(1) Limit their practice exclusively to patients seen or treated at the hospital; and

(2) Are insured exclusively under the hospital's policy of insurance or the hospital's self-insurance program.

2. This section shall not in any way limit or restrict the authority of any hospital in this state to issue rules or regulations requiring physicians or other health care professionals to carry minimum levels of professional liability insurance as a condition of membership on a hospital medical staff.

3. As used in this section, a "hospital's self-insurance program" means insurance through a business entity operating pursuant to sections 383.010 to 383.040, in which business entity the hospital is a member."

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 478**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 506**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SJR 17**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 452--Transportation.

HB 775--Local Government and Economic Development.

HB 542--Ways and Means.

HB 122--Ways and Means.

HB 58--Commerce and Environment.

HB 903--Insurance and Housing.

HB 926--Insurance and Housing.

HB 748--Local Government and Economic Development.

HB 415--Elections, Veterans' Affairs and Corrections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 987**, entitled:

An Act to repeal section 55.041, RSMo 1994, relating to the office of county auditor in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 812**, entitled:

An Act to repeal sections 205.200 and 206.060, RSMo 1994, relating to public hospitals, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 808**, entitled:

An Act to amend chapter 10, RSMo, relating to state emblems by adding thereto one new section relating to the official state fruit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 965**, entitled:

An Act to repeal sections 30.953 and 30.965, RSMo Supp. 1998, relating to the Missouri investment trust, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 35**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 834**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 518**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 518, Page 1, Section 67.1360, Line 5, by deleting all of said line and inserting in lieu thereof the following: "January 1, 2003, or **any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants, may**".

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 708**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 800**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 791**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles Donn James, Democrat, 101 West First Street, Salem, Dent County, Missouri 65560, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth Van Uum, 515 East Drive, University City, St. Louis County, Missouri 63130, as a member of the Bi-State Development Agency, for a term ending November 11, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas W. Guthals, Democrat, 6015 North Michigan, Gladstone, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry J. Drucker, Republican, 19250 River Ridge Lane, Wildwood, St. Louis County, Missouri 63005, as a member of the State Milk Board, for a term ending September 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dale D. Turvey, 16601 Kehrsgrrove Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margaret T. Donnelly, 68 Lake Forest Drive, Richmond Heights, St. Louis County, Missouri 63117, as a member of the Bi-State Development Agency, for a term ending November 11, 2002, and until her successor is duly appointed and qualified; vice, Gene Gorden, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George R. Holske, 4100 Radcliffe Woods Court, Wildwood, St. Louis County, Missouri 63025, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until his successor is duly appointed and qualified; vice, John Oro', M.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melinda Clark, 9531 David Scott, St. Louis, St. Louis County, Missouri 63126, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until her successor is duly appointed and qualified; vice, Donna L. Pavlick, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert P. O'Dell, Route 2, Box 84, Conway, Dallas County, Missouri 65632, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1999, and until his successor is duly appointed and qualified; vice, Sonia Moran, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine A. Tyler, R.R.T., Democrat, 2110 Owing, Oak Grove, Jackson County, Missouri 64075, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne C. Gardner, 908 West Seventh Street, Sedalia, Pettis County, Missouri 65301, as a member of the Personnel Advisory Board, for a term ending July 3, 2002, and until her successor is duly appointed and qualified; vice, David Harrison, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vickie R. Stewart, 4013 Northeast 56th Terrace, Gladstone, Clay County, Missouri 64119, as a member of the Interior Design Council, for a term ending April 6, 2000, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine F. Brown, 3430 Flanders Road, Jefferson City, Cole County, Missouri 65109, as a member of the Interior Design Council, for a term ending April 6, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melissa C. Thomas-Hunt, 6301 Washington Avenue, University City, St. Louis County, Missouri 63130, as a public member of the Interior Design Council, for a term ending April 6, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William J. Nolan, Jr., 1470 Royal Spring, Sunset Hills, St. Louis County, Missouri 63122, as a member of the Interior Design Council, for a term ending April 6, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeanine L. Bequette, 841 Sherilin Drive, Kirkwood, St. Louis County, Missouri 63122, as a member of the Interior Design Council, for a term ending April 6, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

April 6, 1999

The Honorable Ken Jacob

Missouri Senate

State Capitol, Room 420A

Jefferson City, MO 65101

Dear Ken:

It is my pleasure to appoint you to serve as the Senate member on the Midwestern Higher Education Commission, pursuant to Section 173.705, RSMo 1994.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Edward E. Quick

Edward E. Quick

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Joan and Sara Abernathy and Ginger and Rachel Mauldin, Campbell; and Sara and Rachel were made honorary pages.

Senator Mathewson introduced to the Senate, Joe Anson, Connie, David, Stephanie and John David Guthrie, Nathan Smith, Kim Younger, Holly Price, Matthew Horsman, Melinda Smith and Jamie Ferlet, Higginsville; and Nathan, Stephanie, John David, Kim, Holly, Matthew, Melinda and Jamie were made honorary pages.

Senator Caskey introduced to the Senate, Donna S. Pfautsch, Harrisonville.

Senator Kinder introduced to the Senate, Linda and Trey Glaus, Sikeston; and Trey was made an honorary page.

Senator Kinder introduced to the Senate, forty-five seventh and eighth grade students from St. Mary's School, Cape

Girardeau; and Emily Rigdon, Emily Sessner, Ryan Simmons and Sommer McCauley were made honorary pages.

Senator Caskey introduced to the Senate, his wife, Kay, and constituents from the 31st Senatorial District.

Senator Mueller introduced to the Senate, forty-nine fourth grade students from St. Peter School, Kirkwood; and Margot Brobst, Jeff Dietz, Jason Nau and Riley Reynolds were made honorary pages.

On behalf of Senator Quick, the President introduced to the Senate, his son, Brent Ellison and John Gibson, Liberty.

Senator Westfall introduced to the Senate, his wife, Sharon and his grandson, Cody Ray Westfall, Halfway; and Cody was made an honorary page.

Senator Kenney introduced to the Senate, his father, Charles Kenney, Laguna Beach, California.

Senator Caskey introduced to the Senate, Judy Manford, Lone Jack.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY--WEDNESDAY, APRIL 7, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Edward Elson wrote: "Throughout the ages men have been stirred by the realization that the eternal God is available to them and that nothing, literally nothing, can overwhelm or destroy a man when he lives this faith."

Let us Pray: Gracious and Heavenly Father: We pray that You will give us the faith of our fathers in trusting You through all of life's situations, the mountaintop experiences and the difficulties of everyday living in the valley, and lead us home to heaven at last. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 516, regarding the One Hundredth Birthday of Mrs. Blanche Wood, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 517, regarding Jemima P. Phillips, Cape Girardeau, which was adopted.

Senator Howard offered Senate Resolution No. 518, regarding Kenneth L. Garner, which was adopted.

Senator Howard offered Senate Resolution No. 519, regarding Julie Jeffress, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 520, regarding Anna Lynn Martin, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 521, regarding Ashley Layne Wilcoxson, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 522, regarding Tarah Wake, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 523, regarding Brandy Williams, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 524, regarding Marifloyd Wright, Kennett, which was adopted.

Senator Russell offered Senate Resolution No. 525, regarding John and Mellene Schudy, Wright County, which was adopted.

Senator Mueller offered Senate Resolution No. 526, regarding Wallace W. Ward, Jr., Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 527, regarding Peter D. Bogetto, Kirkwood, which was adopted.

Senator Steelman offered Senate Resolution No. 528, regarding the One Hundred Second Birthday of Mrs. Ruth A. Land, Steelville, which was adopted.

REFERRALS

President Pro Tem Quick referred **SJR 17** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 451** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 451, Page 2, Section 590.100, Lines 22-25, by striking all of said lines and inserting in lieu thereof the following:

"(6) "Noncertified reserve officer", any person who is not certified serving in a law enforcement capacity with nonprimary enforcement authority, and who must be under the supervision of a certified peace officer or certified reserve officer of the same agency;"; and

Further amend said bill, page 11, section 590.135, line 49, by inserting after "agency" the following: ";

(8) Final disciplinary action by any state or territory, whether agreed to voluntarily or not, including but not limited to any removal, suspension, limitation, or restriction of certificate for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct or any other act which would constitute a violation of any provision of this chapter".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 451, Page 17, Section 590.180, Line 8, by adding after the end of said line the following:

"Section 1. No person shall hold themselves out to be or represent themselves to be a "chief law enforcement officer" unless that person is appropriately certificated pursuant to this Chapter after having completed all requisite training;

and

Further amend said bill, page 17, section 1, by adding at the end of said line the following:

"Section B. Because of the immediate need to protect the citizens from misrepresentations and the irreparable harm associated with public figures making false and misleading statements to the press, this act is deemed necessary for the immediate preservation of public, health, welfare, peace and safety. Section 1 of this act is hereby declared to be an emergency act within the meaning of the Constitution, and Section 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said act, by amending the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 451, Page 9, Section 590.117, Line 7, by inserting immediately after said line the following:

"590.121. **1.** The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.

2. After July 1, 2000, a law enforcement agency may acquire canines trained and certified for use in law enforcement activities. Any canine acquired by a law enforcement agency after July 1, 2000, shall be trained and certified along with its handler before it is used in law enforcement activities.

3. The director may establish by rule the hours and types of canine-handler training required for certification, may provide for periodic recertification of canine-handler teams and may accept training and certification provided by recognized state and national K-9 police associations. Such training shall include aggression control and bomb and narcotics detection. Applications for certification of canine-handler teams shall be made on forms prepared by the director and shall be accompanied by an application fee. The fee shall be set by rule in an amount that does not substantially exceed the cost of administration of certification. Moneys so received shall be transmitted to the director of revenue for deposit in the general revenue fund. Certification for a canine-handler team shall be valid only for that team.

4. The director may adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Singleton, **SB 451**, as amended, was declared perfected and ordered printed.

SB 71 was placed on the Informal Calendar.

Senator Goode moved that **SB 392, SB 393** and **SB 267**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 392, 393** and **267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 392, 393 and 267

An Act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 136.055, 302.130, 302.171, 302.173, 302.181 and 302.309, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Goode moved that **SCS** for **SBs 392, 393** and **267** be adopted.

Senator Johnson assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 7, Section 302.177, Line 34, by inserting at the end of said line the following: "**Any applicant for a new, renewal or duplicate driver's license, including a commercial driver's license, who is seventy years of age or older at the time of application and meets the requirements set forth in this chapter, shall be issued a license valid for three years. All licenses issued pursuant to this subsection shall expire on the applicant's date of birth in the third year after issuance.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 9, Section 302.178, Line 42, by inserting immediately after said line the following:

"During the first six months after the issuance of an intermediate drivers license, the intermediate licensee shall carry no more than one passenger unless those passengers are family members or unless accompanied by a parent, grandparent, legal guardian, or a licensed driver twenty-one years of age or older.".

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 18, Section 302.735, Line 34, by

inserting immediately after said line the following:

"303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

2. The insurance identification card shall include all of the following information:

(1) The name and address of the insurer;

(2) The name of the named insured;

(3) The policy number;

(4) The effective dates of the policy, including month, day and year;

(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles; and

(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

(1) Name of the self-insurer;

(2) The word "self-insured"; and

(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall notify the director of revenue, in the manner determined by the director, and the officer or inspector may issue a citation to the operator pursuant to subsection 6 of this section. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.

6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector pursuant to this section is guilty of a class C misdemeanor. [However, no person shall be found guilty of violating this section] If the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation, **the judge may impose a fine of ten dollars and court costs. Notwithstanding any provisions of law to the contrary, no points shall be assessed for a violation of this section in addition to any fine.**

304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of [an infraction] **a misdemeanor.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob requested a division of the question, asking that a vote be taken first on the portion of the amendment dealing with Section 303.024 and that a second vote be taken on the portion of the amendment dealing with Section 304.140, which request was granted.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Jacob moved that Part 1 of **SA 3** be adopted, which motion failed.

Senator Kenney offered **SSA 1** for **Part 2** of **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR PART 2 OF

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 18, Section 302.735, Line 34, by inserting after said line the following:

"304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of an infraction **or a misdemeanor if traveling in excess of 25 miles per hour over the speed limit.**"; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **Part 2** of **SA 3** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bills on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 979**, entitled:

An Act to repeal section 169.450, RSMo Supp. 1998, relating to the public school retirement systems in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 230**, entitled:

An Act to repeal section 175.021, RSMo 1994, and section 175.020, RSMo Supp. 1998, relating to Lincoln University, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 988**, entitled:

An Act to repeal section 60.595, RSMo 1994, relating to the department of natural resources revolving services fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 929**, entitled:

An Act relating to open burning of household refuse in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 818**, entitled:

An Act relating to the remediation of student academic deficiencies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 389**, entitled:

An Act to repeal section 72.416, RSMo 1994, and sections 71.012, 72.400, 72.401, 72.410 and 72.422, RSMo Supp. 1998, relating to boundaries of political subdivisions, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mathewson.

Senator DePasco announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 529, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Harter, Springfield, which was adopted.

Senator Caskey offered Senate Resolution No. 530, regarding the One Hundredth Birthday of Porter Baker, Leeton, which was adopted.

Senator Kenney offered Senate Resolution No. 531, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Herbert Robinson, Lee's Summit, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 417**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 417** was again taken up.

At the request of Senator Quick, **SS** for **SB 417** was withdrawn.

Senator Quick offered **SS No. 2** for **SB 417**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 417

An Act relating to escrow accounts for tobacco product manufacturers, with an emergency clause.

Senator Quick moved that **SS No. 2** for **SB 417** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 417, Page 7, Section 2, Line 24 after the word "section 2(b)(3)", by inserting the following new section:

"1. Any attorney who has been appointed Assistant Attorney General to represent the State of Missouri in connection with an action against tobacco product manufacturers, shall not accept compensation for representing the State of Missouri from one other than the State of Missouri unless the State of Missouri consents after consultation.

2. If at any time subsequent to May 15, 1998, an attorney who has been appointed Assistant Attorney General or who has rendered services for the State of Missouri in connection with any action against tobacco product manufacturers who entered into or seeks to enter into a contract with a third person for payment of fees earned in connection with that attorney's representation of the State of Missouri, that contract shall not be consented to by the State of Missouri, and shall not be valid or enforceable unless the State of Missouri in acts of legislation, signed by the Governor, specifically consents to that contract.

3. If at any time subsequent to May 15, 1998, any Assistant Attorney General or outside counsel entered into or seeks to enter to enter a contract, wherein a third party will pay for services rendered to the State of Missouri, the Attorney General of the State of Missouri shall challenge as invalid and unethical that contract, unless consented to as provided in Subsection 2 above.

4. If any taxpayer in the State of Missouri sends to the Attorney General notice that a contract has been entered into subsequent to May 15, 1998, between an attorney or attorneys and a third person to provide for payment of fees earned or alleged to have been earned as a result of services rendered on behalf of or to the State of Missouri, the Attorney General shall within thirty (30) days proceed with litigation to set aside and rule that contract null and void, unless it has been consented to by legislation as provided in Subsection 2 above. Any taxpayer in the State of Missouri has a right and shall be allowed to intervene in said action for all purposes, including but not limited to discovery, settlement conferences, and the trial of said matter.

5. If, after receiving written notice from a taxpayer that a contract exists between an attorney who has rendered services on behalf of the State of Missouri in connection with litigation against tobacco product manufacturers without the consent provided for in Subsection 2, and the Attorney General does not proceed to set aside that contract within thirty (30) days, any taxpayer of the State of Missouri shall have standing and the right to file a lawsuit in the Circuit Court of the county in which said taxpayer resides, to set aside that contract. The Court shall award reasonable attorney fees and costs of said lawsuit, and apportion as the Court deems fit the payment of those attorney fees and costs between the defendants and from the appropriations to the office of the Attorney General of the State of Missouri.".

Senator Steelman moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Quick, **SB 417**, with **SS No. 2** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Mueller moved that **SB 89**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mueller, **SB 89**, as amended, was declared perfected and ordered printed.

Senator Clay moved that **SB 387**, **SB 206** and **SB 131**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 387, 206** and **131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 387, 206 and 131

An Act to repeal sections 208.040 and 208.070, RSMo 1994, and section 210.150, RSMo Supp. 1998, and to enact in lieu thereof seven new sections relating to child care and abuse.

Was taken up.

Senator Clay moved that **SCS** for **SBs 387, 206** and **131** be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

On motion of Senator Clay, **SCS** for **SBs 387, 206 and 131** was declared perfected and ordered printed.

Senator Johnson moved that **SB 351**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 351

An Act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with effective dates.

Was taken up.

Senator Johnson moved that **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 351** was declared perfected and ordered printed.

Senator Mueller moved that **SB 359** be taken up for perfection, which motion prevailed.

Senator Mueller offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 359, Page 1, Section 700.010, Line 8, by striking the opening bracket "[" and the closing bracket "]" from said line; and

Further amend said bill and section, page 2, lines 43-47, by striking all of said lines and inserting in lieu thereof the following:

"(12) "Recreational vehicle", a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mueller, **SB 359**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 472** be taken up for perfection, which motion prevailed.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 472, Page 4, Section 165.221, Line 17, by inserting immediately after said line the following:

"167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 and 167.131.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support-if the children are between the ages of six and twenty years and are unable to pay tuition-may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more

are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children as eligible pupils for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."; and

Further amend title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Westfall offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 472, Page 3, Section 162.411, Line 6, by inserting after all of said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for the immediately preceding year **or the average number of eligible pupils for the three preceding school years**, whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized

assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 472, Page 2, Section A, Line 12, by inserting immediately after said line the following:

"160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, RSMo, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people. **At least one of the performance standards shall require that no student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level.**

2. The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. Separate work groups composed of professionals with appropriate expertise shall be convened for each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers serving on such work groups shall be selected by professional teachers' organizations of the state. Additional teachers who are not members of such organizations may serve by appointment of the state board of education.

3. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection 4 of this section.

4. Not later than one year after the development of written curriculum frameworks pursuant to subsection 3 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **SB 472**, as amended, was declared perfected and ordered printed.

Senator Mathewson assumed the Chair.

Senator Schneider moved that **SB 71** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Schneider, **SB 71** was declared perfected and ordered printed.

Senator Johnson assumed the Chair.

Senator Schneider moved that **SB 441**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 441**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 441

An Act to repeal section 286.005, RSMo Supp. 1998, relating to commissioners within the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 441** be adopted.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 441, Page 1, Section 286.005, Line 15, by inserting after the word "to", the words "one-half".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** was withdrawn.

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 441, Page 2, Section 286.005, Line 23, by adding the following: "The members of the Commission shall recuse themselves from any case in which one of the parties is represented by counsel who also sponsored their pay raise bill in the General Assembly.".

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 2** was withdrawn.

Senator Schneider moved that **SCS** for **SB 441** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 441** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 451**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 852**, entitled:

An Act to repeal sections 632.483, 632.489, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 850** and **851**, entitled:

An Act to repeal sections 1.160 and 566.010, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of clarifying the penalties for certain sexual offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 401**, entitled:

An Act relating to screening for hearing loss in newborns.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 492**, entitled:

An Act to repeal sections 409.303, 409.305, 409.402, 409.408, 409.410, 409.412 and 409.823, RSMo 1994, and sections 409.201, 409.202, 409.204, 409.401, 409.406, 409.407 and 409.415, RSMo Supp. 1998, relating to the regulation of securities, and to enact in lieu thereof fourteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 603**, **722** and **783**, entitled:

An Act to repeal sections 34.040, 260.205 and 260.273, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 822**, entitled:

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 370.107, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.275, 362.550, 362.610, 456.520, 475.093 and 620.010, RSMo Supp. 1998, relating to financial institutions, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 256**, entitled:

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 736, 515 and 508**, entitled:

An Act to repeal sections 169.010, 169.060, 169.070, 169.075, 169.560 and 169.655, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to the public school retirement system, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 911**, entitled:

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to the county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 454**, entitled:

An Act to repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 987--Local Government and Economic Development.

HB 812--Elections, Veterans' Affairs and Corrections.

HB 808--Agriculture, Conservation, Parks and Tourism.

HB 965--Financial and Governmental Organi-zation.

COMMUNICATIONS

Senator Mathewson submitted the following:

April 7, 1999

Mrs. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Mrs. Spieler:

This is official notice that I object to House Bill 792 being placed on the consent calendar. In its present form, I cannot agree that this is a consent measure and it should be returned to committee.

Sincerely,

/s/ Jim

James L. Mathewson

21st Senatorial District

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Thomas, Deborah, Kaitlyn, Joshua, Jessica, Thomas, Adam, Abraham, Isaiah

and Hanna Ritter, Homeschoolers from Warrenton; and Kaitlyn and Joshua were made honorary pages.

Senator Bentley introduced to the Senate, Jean Brabeel, Springfield.

Senator Stoll introduced to the Senate, Jim Allred and Tom Roettger, Arnold; Steve Siebert, Jay Katzenberger and Rob Schrage, Festus; and Paul W. Mayer, DeSoto.

Senator Steelman introduced to the Senate, her sons, Sam, Joe and Michael, and Marshal MacCormic and Alyssa McCree, Rolla; and Sam, Joe, Michael and Marshal were made honorary pages.

Senator Maxwell introduced to the Senate, Karla, Richard and Marilyn Dwyer, Kirksville.

Senator Flotron introduced to the Senate, the Physician of the Day, Michael H. Ryan, M.D., St. Louis.

Senator House introduced to the Senate, his son, Benjamin, St. Charles.

Senator Mueller introduced to the Senate, ninety fourth grade students from North Glendale Elementary School, St. Louis.

Senator Graves introduced to the Senate, Anne Tanner and twenty-four fourth grade students from Norborne Elementary School, Norborne; and Katie Kallenberger, Heather Harris, Anna Franklin and Crystal Culp were made honorary pages.

Senator Howard introduced to the Senate, Johnada Richardson, Betty Borders and fifty students from Boys and Girls Club of America; and Bianca Grayse, Lashonda Washington, Joann Peel, Jamhil Patterson, Travis Patterson and Ferlando Luster were made honorary pages.

Senator Klarich introduced to the Senate, members of the Eureka Fire Protection District.

Senator Stoll introduced to the Senate, Mike, Linda, Heather and Joel Rice, Homeschoolers from House Springs; and Heather and Joel were made honorary pages.

Senator Flotron introduced to the Senate, eighty fourth grade students from Carrollton Elementary School, Bridgeton.

Senator Steelman introduced to the Senate, Jeff Layman and Spence Jackson, Springfield.

Senator Sims introduced to the Senate, Kayonna Hammonds, Missy Shands, Ashley Johnson and Fredrisha Rowan, St. Louis; and Kayonna, Missy, Ashley and Fredrisha were made honorary pages.

Senator Kinder introduced to the Senate, Mr. and Mrs. Bill Holland, and their daughter Linda, St. Louis.

Senator Staples introduced to the Senate, Erik, Bjorn, Anne, Cathrine and Stephan Tschudi Madsen and Mariann Kordal, Norway.

Senator Howard introduced to the Senate, Kirby and Luke Van Ausdall, Caruthersville; and Luke was made an honorary page.

Senator Rohrbach introduced to the Senate, Larry Henderson and Mike Kenagy, Laurie.

Senator Graves introduced to the Senate, Aleta Casady and nineteen seventh grade students from Bucklin School, Bucklin; and Donnie Melton, Cody McClamroch, James McGraw and Gabe Switzer were made honorary pages.

Senator Wiggins introduced to the Senate, Vickie Wolgast, Shaun Cussen, Sue Greenway, Nathan Armstrong, Jennifer Brandt, Brandy Eveler, Mary Follin, Ann Julich, Eric Hall, Kristi Martinez, Missy Wilson, Grandview.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, April 8, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY--THURSDAY, APRIL 8, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

REFERRALS

President Pro Tem Quick referred **HB 153** to the Committee on State Budget Control.

On motion of Senator DePasco, the Senate recessed until 10:00 a.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We give You thanks for being adopted as Your children and given the ability to take on impossible tasks knowing that You will supply all the power needed to carry out Your will. So we pray this day that we may draw on that Power to complete the job You have called us to do. And be with us as we travel home, bringing us safely to our destinations. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HB 153**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 153, introduced by Representative Leake, et al, entitled:

An Act to repeal section 142.029, RSMo 1994, relating to the ethanol producer incentive fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 153** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Goode	Rohrbach--2		
Absent--Senators			
Banks	Singleton--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 506, introduced by Senator Wiggins, entitled:

An Act to repeal sections 400.2-401, 400.2-402, 400.9-101, 400.9-102, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-201, 400.9-202, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-307, 400.9-308, 400.9-310, 400.9-311, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507 and 400.9-508, RSMo 1994, and sections 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-115, 400.9-116, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-309, 400.9-312, 400.9-313 and 400.9-402, RSMo Supp. 1998, relating to the uniform commercial code, and to enact in lieu thereof one hundred thirty-six new sections relating to the same subject, with an effective date.

Was taken up.

On motion of Senator Wiggins, **SB 506** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

President Wilson assumed the Chair.

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 451, introduced by Senator Singleton, entitled:

An Act to repeal sections 590.100, 590.101, 590.110, 590.116, 590.117, 590.121, 590.130, 590.131, 590.150, 590.178 and 590.180, RSMo 1994, and sections 590.105, 590.115, 590.135 and 590.140, RSMo Supp. 1998, relating to public safety, and to enact in lieu thereof eighteen new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Singleton, **SB 451** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Clay--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

At the request of Senator Stoll, **SB 455**, with **SCA 1**, was placed on the Informal Calendar.

Senator Howard moved that **SB 30**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 30**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 30

An Act to repeal section 278.080, RSMo Supp. 1998, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1998, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Howard moved that **SCS** for **SB 30** be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Howard, **SB 30**, with **SCS** (pending), was placed on the Informal Calendar.

SB 440, with **SCS**, was placed on the Informal Calendar.

Senator Goode moved that **SB 495** be taken up for perfection, which motion prevailed.

Senator House assumed the Chair.

On motion of Senator Goode, **SB 495** was declared perfected and ordered printed.

Senator Mueller moved that **SB 29** be taken up for perfection, which motion prevailed.

On motion of Senator Mueller, **SB 29** was declared perfected and ordered printed.

Senator Ehlmann moved that **SB 94**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 94**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to repeal sections 191.905, 252.235, 569.095, 569.097, 569.099, 570.020, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo 1994, and section 570.030, RSMo Supp. 1998, relating to the felony limit for certain crimes, and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

Senator Ehlmann moved that **SCS** for **SB 94** be adopted.

Senator Ehlmann offered **SS** for **SCS** for **SB 94**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to repeal section 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1998, relating to the felony limit for certain crimes, and to enact in lieu thereof two new sections relating to the same subject.

Senator Ehlmann moved that **SS** for **SCS** for **SB 94** be adopted.

At the request of Senator Ehlmann, **SB 94**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Quick assumed the Chair.

Senator Howard moved that **SB 377**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 377**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 377

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 377** be adopted.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 377, Page 1, Section 630.003, Lines 8 and 9, by striking after the period on line 8 and all of line 9.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 377**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 377**, as amended, was declared perfected and ordered printed.

Senator Childers moved that **SB 125**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 125**, as amended, was declared perfected and ordered printed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 153**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 371**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Flotron, **SB 371**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 208**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 208**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 208

An Act to repeal sections 161.097 and 173.005, RSMo 1994, relating to higher education, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 208** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 208, Page 1, Section 161.097, Line 7, by inserting after

"board." the following: **"If the state board of education accepts national or regional accreditations in lieu of the standards and procedures established pursuant to this subsection, the state board shall select more than one national or regional accreditation to accept in lieu of such standards and procedures."**

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 1** was withdrawn.

Senator House offered **SS** for **SCS** for **SB 208**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 208

An Act to repeal sections 161.097 and 173.005, RSMo 1994, relating to higher education, and to enact in lieu thereof four new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **SB 208** be adopted.

At the request of Senator House, **SB 208**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 440**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 440**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 440

An Act to repeal sections 66.010, 211.023, 478.037, 478.265, 478.266, 478.267 and 487.050, RSMo 1994, and sections 478.003, 478.268, 478.466, 479.500, 487.020, 487.030, 487.040, 487.170, 535.200 and 535.210, RSMo Supp. 1998, relating to judicial commissioners in circuit courts, and to enact in lieu thereof seventeen new sections relating to the same subject, with an emergency clause and expiration dates for certain sections.

Was taken up.

Senator Schneider moved that **SCS** for **SB 440** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 440, Page 4, Section 478.037, Line 3, by striking the word "have" from said line; and further amend said bill, page and section, lines 4-6, by striking all of said lines and inserting in lieu thereof the word "**serve**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS** for **SB 440**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 440**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 199**, entitled:

An Act to amend chapter 452, RSMo, relating to dissolution of marriage, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 857**, entitled:

An Act to repeal section 513.430, RSMo 1994, relating to property exempt from attachment, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 441**, entitled:

An Act to amend chapter 290, RSMo, relating to wages, hours and dismissal rights by adding thereto one new section relating to the disclosure of employment information.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 115**, entitled:

An Act relating to tax relief for expenditures of small businesses for ADA improvements, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 701**, entitled:

An Act to repeal sections 135.205, 135.207, 135.208, 135.225 and 135.230, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 793**, entitled:

An Act to repeal sections 313.805, 313.807, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 460**, entitled:

An Act to amend chapter 191, RSMo, relating to health and welfare by adding thereto one new section relating to mandatory testing for communicable diseases, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 814**, entitled:

An Act relating to escrow accounts for tobacco product manufacturers, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 550**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 183**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 69**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HS** for **HCS** for **HB 274**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 136**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 426**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 441**; **SCS** for **SBs 387, 206 and 131**; **SB 359**; **SCS** for **SB 351**; **SB 89**; and **SB 71**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 514**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

On behalf of Senator Quick, Chairman of the Committee on Gubernatorial Appointments, Senator DePasco submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Guy S. Dayton, as a member of the Missouri Dental Board;

Also,

Margaret "Meg" A. Harding, as a member of the Hazardous Waste Management Commission;

Also,

Karla K. Dwyer, as a member of the Drug Utilization Review Board;

Also,

Stanley E. Thawley, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Martha A. Gragg, as a member of the Missouri Board for Respiratory Care;

Also,

Gerald P. Greiman, as a member of the Missouri State Employees Deferred Compensation Commission;

Also,

Jean N. Grabeel, as a member of the State Milk Board;

Also,

John H. Teal, as a public member of the State Board of Cosmetology;

Also,

Gregory L. Hempen, as a member of the Seismic Safety Commission;

Also,

William E. James and Robert J. Mayfield, as members of the Missouri State Lottery Commission;

Also,

Joseph H. Collison, Chairman and member of the Board of Election Commissioners for Platte County;

Also,

George R. Rose, as Secretary and member of the Board of Election Commissioners for Platte County;

Also,

Debbie M. Ulinski, as a public member of the Missouri State Committee of Interpreters;

Also,

Judith A. Steffen-Drake, as a member of the Advisory Commission for Clinical Perfusionists.

Senator DePasco requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator DePasco moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 525**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached,

do pass.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 532, regarding the Tenth Anniversary of the Missouri Valley Big Brothers Big Sisters, which was adopted.

Senator Rohrbach offered Senate Resolution No. 533, regarding JoAnn Koetting, Eugene, which was adopted.

Senator Rohrbach offered Senate Resolution No. 534, regarding National Crime Victims' Rights Week, which was adopted.

Senator Russell offered Senate Resolution No. 535, regarding Bob Dryer, Hartville, which was adopted.

Senator Wiggins offered Senate Resolution No. 536, regarding the death of Dr. John J. Mayer, Jr., Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Debbie, Derrick, and Nick Martin, Homeschoolers from Lee's Summit; and Derrick and Nick were made honorary pages.

Senator Kenney introduced to the Senate, Edgy, Nathan, Mackenzie, Stephen, Sally, Annie and Betsy Sack, Homeschoolers from Lee's Summit; and Nathan, Mackenzie, Stephen, Sally, Annie and Betsy were made honorary pages.

Senator Kenney introduced to the Senate, Becky, Cheryl, Nathan and Thomas Bennett, Homeschoolers from Lee's Summit; and Cheryl, Nathan and Thomas were made honorary pages.

Senator Kenney introduced to the Senate, Keith, Ramonda and Katie Alexander, Homeschoolers from Blue Springs; and Katie was made an honorary page.

Senator Bentley introduced to the Senate, the Physician of the Day, her husband, Dr. John Bentley, M.D., Springfield.

Senator Kenney introduced to the Senate, Mark Brewster, Dave Wright, Jerry Lewis, Jamey Jones, Stacy Jenkins, Dennie Littrell and Debbie Whistler, Blue Springs.

Senator Graves introduced to the Senate, Sue Dorrel, Diane Lade and forty-one seventh and eighth grade students from St. Gregory School, Maryville; and Greg Barmann, Julie Taylor, Kristin Auffert and Adam Howell were made honorary pages.

Senator Bentley introduced to the Senate, Maria Hoover, Monica Coyocca, Joel Francis, Shareda Patterson, Wanda Brandon and Sean Kliethermes, Springfield.

Senator Schneider introduced to the Senate, sixty-five fifth grade students from Walker Elementary School, Florissant; and Lindsey Murrell, Justin Leslie, Hannah Macke and Jessica Suess were made honorary pages.

Senator Graves introduced to the Senate, Nan Stepp, Dallas Prather and thirty-eight fourth grade students from Tarkio Elementary School, Tarkio; and Cara Lyvengood, Trenton Powell, Cassie Riley and Jessica Walters were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, April 12, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY--MONDAY, APRIL 12, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Edward John Phelps in 1899 said: "The man who makes no mistakes does not usually make anything."

Let us Pray: Gracious and Heavenly Father: We recognize that everyone makes mistakes and everyone has failed - probably many times - before they become successful. So we thank You, our God, who never fails and who is available to us and with us each day to help and guide us through the maze of bills before us, approving those that are in keeping with Your will for us and rejecting those that are not. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 8, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Jacob--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 537, regarding Nathan Arlen Tanner, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 538, regarding Seth Boehmer, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 539, regarding Andrew "Andy" Batliner, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 540, regarding Andrew "Drew" Gerrard, Lee's Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 541, regarding Mayor Nelson Hart, St. James, which was adopted.

Senator Bland offered Senate Resolution No. 542, regarding the death of Vincent O. Westley, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 543, regarding Matt Slone, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 544, regarding the One Hundred Fiftieth Anniversary of Pfizer, Inc., Lee's Summit, which was adopted.

Senators Sims and Quick offered Senate Resolution No. 545, regarding Dr. John Anthony Tallarico, Boston, Massachusetts, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 546

WHEREAS, the members of the Missouri Senate readily acknowledge that the future prosperity and well-being of this great state and nation are directly linked to the quality of education provided to our children and youth in preparation for the challenges they will face today and tomorrow; and

WHEREAS, it is the belief of this legislative body that Missouri's educational system needs to be flexible and adaptable to changing conditions in order to meet the very diverse educational needs of our equally diverse citizenry; and

WHEREAS, home education in this state has enjoyed considerable success in recent years because of the tremendous support it has received from countless citizens who realize and value the significance of family participation in the complex educational process; and

WHEREAS, the state of Missouri supports the kind of freedom which allows parents to take an active role in guiding the course of their children's education through the alternative venues available to them with home education; and

WHEREAS, home education has provided exemplary individualized preparation for the citizenship and life's work of such historically well-known individuals as George Washington, Abigail Adams, Benjamin Franklin, Abraham Lincoln, Woodrow Wilson, Booker T. Washington, Thomas A. Edison, George Washington Carver, Helen Keller, Pearl S. Buck, Franklin D. Roosevelt, General Douglas MacArthur, Agatha Christie, and many others; and

WHEREAS, the more than 4,600 home-educated students in this state benefit from opportunities for apprenticeship and "hands-on" marketplace experience with more time for community and civic involvement which greatly satisfies the interests of the state in education:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the diligent and highly effective efforts of those involved in home education and those organizations which promote the societal and personal benefits of home education; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to recognize Families for Home Education during Home Education Week, May 2-8, 1999.

President Wilson assumed the Chair.

Senator Mathewson, under the provisions of Senate Rule 48, requested unanimous consent of the Senate to be allowed to introduce a Senate Bill, which request was granted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 527-By Mathewson.

An Act to repeal sections 26.500, 26.510 and 26.520, RSMo 1994, relating to reorganization plans for state government, and to enact in lieu thereof two new sections relating to the same subject.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HBs 603, 722 and 783--Commerce and Environment.

HS for HCS for HB 822--Financial and Governmental Organization.

HS for HCS for HB 256--Civil and Criminal Jurisprudence.

HCS for HBs 736, 515 and 508--Pensions and General Laws.

HCS for HB 911--Pensions and General Laws.

HS for HB 454--Public Health and Welfare.

HB 199--Aging, Families and Mental Health.

HB 857--Civil and Criminal Jurisprudence.

HS for HCS for HB 441--Labor and Industrial Relations.

HB 115--Ways and Means.

HS for HCS for HB 701--Local Government and Economic Development.

HS for HCS for HB 793--Local Government and Economic Development.

HS for HCS for HB 460--Pensions and General Laws.

HCS for HB 814--Pensions and General Laws.

HB 979--Pensions and General Laws.

HB 230--Education.

HB 988--Ways and Means.

HB 929--Commerce and Environment.

HCS for HB 818--Education.

HCS for HB 389--Local Government and Economic Development.

HS for HCS for HB 852--Civil and Criminal Jurisprudence.

HCS for HBs 850 and 851--Civil and Criminal Jurisprudence.

HB 401--Education.

THIRD READING OF SENATE BILLS

SCS for SB 441, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 441

An Act to repeal section 286.005, RSMo Supp. 1998, relating to commissioners within the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Schneider.

President Pro Tem Quick assumed the Chair.

On motion of Senator Schneider, **SCS** for **SB 441** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Steelman--1		
	Absent--Senators		
Bland	Maxwell--2		
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **SCS** for **SB 351**; **SB 359**; and **SCS** for **SBs 387, 206** and **131** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SB 89, introduced by Senator Mueller, entitled:

An Act to repeal section 431.180, RSMo Supp. 1998, relating to claims against certain licensed professionals, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Mueller, **SB 89** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Jacob--1

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 71, introduced by Senator Schneider, entitled:

An Act to repeal sections 88.013 and 88.023, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SB 71** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Singleton--1		
	Absent--Senators--None		
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 392, SB 393 and SB 267**, with **SCS, Part 2 of SA 3, SSA 1 for Part 2 of SA 3** and point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Quick ruled the pending point of order well taken.

Senator Kenney raised the point of order that **Part 2 of SA 3** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator DePasco offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 2, Section 136.055, Line 16, by striking the word "three" and inserting in lieu thereof the following: "**four**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 8, Section 302.178, Line 10, by striking the numeral "4" and inserting in lieu thereof the following: "**3**"; and

Further amend said bill, Page 18, Section B, Line 2, by striking the numeral "302.375" and inserting in lieu thereof the numeral "302.735".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 2, Section 136.055, Line 33, by inserting immediately after said line the following:

"302.060. The director shall not issue any license and shall immediately deny any driving privilege:

- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
- (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS for SBs 392, 393 and 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS for SBs 392, 393 and 267**, as amended, was declared perfected and ordered printed.

President Pro Tem Quick assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 374**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 18**, **SB 49** and **SB 167**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 398** and **SB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 507**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 413**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SJR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 98**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SJR 29**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 472**; **SCS** for **SB 440**; **SCS** for **SB 377**; **SB 371**; **SB 125**; **SB 29**; and **SB 495**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 19**; **SB 215**; **SCS** for **SB 233**; **SS** for **SB 373**; and **SCS** for **SB 425**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS** and **SA 8** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 8 was again taken up.

At the request of Senator Kinder, the above amendment was withdrawn.

Senator Schneider offered **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1, 92, 111, 129 and 222

An Act to repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to jurisdiction and procedures of courts, and to enact in lieu thereof thirty-five new sections relating to the same subject, with an expiration date for a certain section.

Senator Schneider moved that **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222** be adopted.

At the request of Senator Schneider, **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Schneider moved that **SB 70** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schneider offered **SS No. 2** for **SB 70**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 70

An Act to repeal sections 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof three new sections relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SB 70** be adopted.

At the request of Senator Schneider, **SB 70**, with **SS No. 2** (pending) was placed on the Informal Calendar.

Senator Ehlmann moved that **SB 94**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 94, Page 3, Section 570.030, Line 20 of said page, by inserting immediately after the word "ammonia" the following: ", **or any attempt to steal any amount of anhydrous ammonia**"; and

Further amend said bill, Page 3, Section 570.030, Line 21 of said page, by inserting immediately after the word "felony" the following: "**if the value is less than one hundred fifty dollars, and a class C felony if the value is one hundred fifty dollars or more**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 94, Page 2, Section 570.030, Lines 10-12, by deleting said lines and renumbering the remaining subsections accordingly; and

Further amend said bill, page 3, section 570.030, lines 23-24, by deleting "**one**"; on line 23 and "**hundred fifty**" on line 24 and inserting in lieu thereof "**five hundred**"; and

Further amend said bill, page 4, section 570.080, line 16 of said section, by deleting "one hundred fifty dollars **but less than four hundred fifty dollars**," and inserting in lieu thereof: "**five hundred dollars**"; and

Further amend said bill, page 5, line 2 of said page, by deleting "**four hundred fifty**" and inserting in lieu thereof "**five hundred**"; and

Further amend said bill, page 2, line 15, by deleting "four hundred fifty" and inserting in lieu thereof "**five hundred**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 94, Page 5, Section 570.080, Line 5, by inserting after all of said line the following:

"4. Any person who knowingly or intentionally leaves a child less than seven years of age in a motor vehicle, and that child is unattended by an individual twelve years of age or older, shall be guilty of an infraction."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 94, Page 1, Section 570.030, Line 1, by inserting before all of said line the following:

"149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

(1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;

(2) "Cigarette", an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette, **or any product that contains nicotine, as intended to be burned or heated under**

ordinary conditions of use, and consists of or contains:

(a) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(b) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(c) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subdivision.

"Cigarette" includes "roll-your-own", which is any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and like to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one hundredths of an ounce of "roll-your-own" tobacco shall constitute one individual cigarette;

(3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;

(4) "Director", the director of Missouri department of revenue;

(5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;

(6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;

(7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;

(8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;

(9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty, **or a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers;**

(10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;

(11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;

(12) "Sale" in this instance is defined to be and declared to include sales, barters, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(13) "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

(14) "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(15) "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or

engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(16) "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(17) "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(18) "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.071. **1.** Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimilies or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

2. No tax stamp may be affixed to, or made upon, any package of cigarettes if:

(1) The package does not comply with all the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec, 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States; or

(2) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec, 5754;

(3) The package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or

(4) The package, or a package containing individually stamped packages, has been altered by masking or deleting the wording described in subdivision (3) of this subsection.

3. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section shall be guilty of a class D felony upon conviction.

4. The department of revenue may revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section.

5. The department of revenue may seize and destroy or sell only for export to licensed exporters cigarette packages to which is affixed a tax stamp in violation of this section.

6. A violation of this section is a deceptive act or practice under this section.

7. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provision to other persons or circumstances is not affected."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann moved that **SS** for **SCS** for **SB 94**, as amended, be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SS** for **SCS** for **SB 94**, as amended, was declared perfected and ordered printed.

Senator Banks requested unanimous consent of the Senate that **SB 274**, with **SCS**, be returned to the Committee on Public Health and Welfare, which request was denied.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 570**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 476**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 528**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 789**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 930**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 271**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 721**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 893**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 893, Page 1, In the Title, Line 1, by striking "911 day" and inserting in lieu thereof the following: "Emergency Services Day"; and

Further amend said bill and page, section 1, line 1, by striking all of said line and inserting in lieu thereof the following:

"Section 1. The twenty-eighth day of November of each year shall be known as "Emergency Services Day"; and further amend line 3 of said page, by striking "and" and inserting in lieu thereof the following: ","; and further amend line 4 of said page, by inserting immediately after the word "dispatchers" the following: ", and corrections officers".

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 94**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator DePasco submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 185**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 185, Page 1, In the Title, Line 2, by striking "section 302.291" and inserting in lieu thereof the following: "sections 302.291 and 302.292"; and further amend line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, section A, line 1, by striking "Section 302.291" and inserting in lieu thereof the following: "Sections 302.291 and 302.292"; and further amend said line, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and further amend line 2, by striking "section 302.291" and inserting in lieu thereof the following: "sections 302.291 and 302.292"; and

Further amend said bill, page 3, section 302.291, line 80, by inserting immediately after said line the following:

"302.292. 1. In order to advise the director of revenue on medical criteria for the reporting and examination of drivers with medical impairments, a "Medical/Vision Advisory Board" is hereby established within the department of revenue. The board shall be composed of [three] **four members appointed by the director of the department of revenue. The members of the board shall be **composed of three** licensed physicians and **one optometrist and shall be** residents of this state. Of the original appointees, one shall serve for a term of two years and two shall serve for terms of four years. Subsequent appointees shall each serve for a term of four years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive no compensation for their services and shall not hire any staff personnel but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. After**

the first full year of operation of the advisory board, the board shall meet no more than four times per year.

2. No civil or criminal action shall lie against any member of the medical/vision advisory board of the department of revenue who acts in good faith in advising the department under the provisions of this chapter. Good faith shall be presumed on the part of members of the medical/vision advisory board in the absence of a showing of fraud or malice."

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 290**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 517**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 646**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Jacob, Chairman of the Committee on Insurance and Housing, Senator DePasco submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 915**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 145**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1045**, entitled:

An Act to repeal sections 483.310, RSMo Supp. 1998, relating to trust funds of the court, and to enact in lieu thereof

one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 472**, entitled:

An Act to repeal section 453.070, RSMo Supp. 1998, relating to investigation for adoption, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

April 9, 1999

James L. Mathewson

Missouri Senate

State Capitol, Room 323

Jefferson City, MO 65101

Dear Jim:

It is my pleasure to appoint you to serve on the Missouri

Job Training Legislative Oversight Committee pursuant to Section 620.481 RSMo.

If you have any questions or concerns, please contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Richard, Kristi, Jeremy, James and Amber Cartwright, Homeschoolers from Niangua; Gary, Sharon and Sasha Shaver, Homeschoolers from Grove Spring; and Wanda and Mandy Quinn, Homeschoolers from Mansfield; and Jeremy, James, Amber, Mandy and Sasha were made honorary pages.

Senator Klarich introduced to the Senate, Linda Emmons and Sharon Birkman, Franklin County.

Senator Ehlmann introduced to the Senate, St. Charles County Executive, former State Representative Joe Ortwerth, St. Charles County.

Senator Rohrbach introduced to the Senate, Bill Arment and Rodney Schad, Versailles.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY--TUESDAY, APRIL 13, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Theodore Roosevelt said in 1899: "I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life."

Let us Pray: Gracious and Merciful Lord: We may never know the number of times people have failed to produce the victories You have laid out before them simply because they have quit at the eleventh hour. So we pray that You will grant us and the leaders of our country, Your strength in a special measure that when we are discouraged and ready to quit we may continue until Your will is accomplished victoriously among us. This we ask in Your victorious Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 547, regarding Jerad Ray Lachner, Prairie Home, which was adopted.

Senator Steelman offered Senate Resolution No. 548, regarding Robert "Bob" Hogan, Fulton, which was adopted.

Senator Steelman offered Senate Resolution No. 549, regarding the One Hundredth Birthday of Elzathen Pegg, Rosebud, which was adopted.

Senator Quick offered Senate Resolution No. 550, regarding Brian Christopher Fuller, Lawson, which was adopted.

Senator Quick offered Senate Resolution No. 551, regarding Adam Tyler Dodson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 552, regarding Scott Andrew Huster, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 553, regarding Scott Thomas Owen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 554, regarding Mark W. Snyder, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 555, regarding Patrick David Williams, Liberty, which was adopted.

Senator Howard offered Senate Resolution No. 556, regarding the Eighty-fifth Birthday of Early Ida Marie Coffee Wilderness Avery, Lilbourn, which was adopted.

Senator Graves offered Senate Resolution No. 557, regarding Rodney Ray Pearl, Clarksdale, which was adopted.

REFERRALS

President Pro Tem Quick referred **SCS** for **SB 377**; **SCS** for **SB 440** and **SB 472** to the Committee on State Budget Control.

RESOLUTIONS

Senator Steelman moved that **SR 514** be taken up for adoption, which motion prevailed.

Senator Steelman moved that **SR 514** be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Banks moved that **SCR 17** be taken up for adoption, which motion prevailed.

On motion of Senator Banks, **SCR 17** was adopted by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Graves	Singleton--3	
Absent with leave--Senators--None			

Senator Mathewson moved that **HCR 4** be taken up for adoption, which motion prevailed.

Senator Mathewson moved that **HCR 4** be adopted.

At the request of Senator Mathewson, the motion to adopt **HCR 4** was withdrawn.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 19**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19

An Act to repeal sections 303.041, 303.042, 303.043, 303.190, 307.353, 307.355, 307.360, 307.365, 307.390, 643.315, 643.335, 643.350 and 643.355, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.190, 302.302, 302.321, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375 and 643.310, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections, and with an emergency clause for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **SS** for **SCS** for **SB 19** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Mathewson	Mueller	Rohrbach
Schneider	Scott	Sims	Stoll
Wiggins--21			
NAYS--Senators			
Caskey	Howard	Klarich	Maxwell
Russell	Singleton	Steelman	Westfall
Yeckel--9			
Absent--Senators			
Bentley	Flotron	Quick	Staples--4
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Mathewson

Mueller	Rohrbach	Schneider	Scott
Sims	Singleton	Stoll	Wiggins
Yeckel--25			
	NAYS--Senators		
Caskey	Howard	Klarich	Maxwell
Russell	Steelman	Westfall--7	
	Absent--Senators		
Quick	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for **SB 425**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 425

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to remediation of student academic deficiencies.

Was taken up by Senator Stoll.

At the request of Senator Stoll, **SCS** for **SB 425** was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1045--Financial and Governmental Organization.

HB 472--Aging, Families and Mental Health.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 527--Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senators Schneider and House offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 558

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished herself as a leader in her community; and

WHEREAS, Mary Liz Fick, an esteemed resident of St. Charles, Missouri, will be the guest of honor as she spends a day at the Missouri State Capitol in the company of Senator John Schneider, a wonderful gift she received after placing the highest bid during the 1998 Thomas Jefferson Days Auction; and

WHEREAS, the oldest of four children born to Virgil and Gloria Bosche Fick, Mary Liz Fick came into this world in St. Louis, Missouri, and attended McCluer North High School before pursuing her B.S.E. at Northeast Missouri State University (now Truman State University) in Kirksville; and

WHEREAS, Mary Liz Fick has provided a tremendous degree of service to the citizenry of Missouri as a Social Service worker with the St. Louis Region of the Division of Aging, where she is known, admired, and deeply respected by her fellow colleagues as an exemplary employee who takes great pride in her work and the terrific job she does; and

WHEREAS, Mary Liz Fick has compiled an enviable list of service to the Democratic Party as a member of the Fourteenth Ward Democratic Club, the St. Charles County Democrats, the St. Peters-Harvester Democratic Club, the Greater St. Louis Young Democrats, and the Florissant Open Democratic Township Club; and

WHEREAS, an invaluable member of her community, Mary Liz Fick is exceedingly proud of the roles she has played in various civic clubs and organizations that include the Communication Workers of America Local 6355; and

WHEREAS, it is entirely fitting and proper that this legislative body pay tribute to Mary Liz Fick, a remarkable individual whose kindness and generous nature continue to serve as an inspiration to all those who know and love her:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join the Honorable John Schneider in extending a most cordial welcome to Mary Liz Fick as she visits our beautiful statehouse in Jefferson City, and in wishing her only the very best of success in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mary Liz Fick.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 328**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 136**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 929**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 453**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 568**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 861**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 965**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob requested unanimous consent of the Senate to send forward a corrected committee report on **HB 34**, which request was granted.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 34, Page 1, In the Title, Line 2, by striking the following: "section 537.620" and inserting in lieu thereof the following: "sections 537.620 and 537.635"; and further amend line 3 of the title, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 537.620 and 537.625, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 537.620 and 537.625, to read as follows:"; and

Further amend said bill and page, section 537.620, line 7, by inserting after all of said line the following:

"537.635. The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his membership in the association other than his assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association, **but the association may pay dividends to its members as long as the association has a positive surplus both before and after any such dividend is declared.**".

On behalf of Senator Johnson, Chairman of the Committee on State Budget Control, Senator DePasco submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 351**; **SB 359**; and **SCS** for **SBs 387, 206 and 131**, begs leave to report that it has considered the same and recommends that the bills do pass.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

HOUSE BILLS ON THIRD READING

HB 409, introduced by Representative McBride, entitled:

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

On motion of Senator Howard, **HB 409** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mueller
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Banks	Goode	Mathewson	Maxwell
Russell	Scott--6		
Absent with leave--Senator DePasco--1			

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 487, introduced by Representative Hollingsworth, entitled:

An Act to repeal section 556.036, RSMo Supp. 1998, relating to statute of limitations, and to enact in lieu thereof one new section for the sole purpose of extending the statute of limitations for false affidavits and false declarations made to a public official concerning child support arrearages.

Was called from the Consent Calendar and taken up by Senator Caskey.

Senator Mathewson assumed the Chair.

On motion of Senator Caskey, **HB 487** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Maxwell	Yeckel--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

Senator Jacob announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

HB 741, introduced by Representatives Monaco and May (108), entitled:

An Act to repeal sections 213.111 and 213.112, RSMo Supp. 1998, relating to the human rights commission, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

On motion of Senator Clay, **HB 741** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Ehlmann	Flotron	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--27	
NAYS--Senators			
Bland	Goode	Yeckel--3	
Absent--Senators			
Graves	Maxwell	Staples--3	
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 257, introduced by Representatives Seigfreid and Relford, entitled:

An Act to repeal section 561.031, RSMo 1994, relating to appearances by the defendant, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

Senator Scott assumed the Chair.

On motion of Senator Jacob, **HB 257** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator DePasco--1			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Stoll moved that **SB 455**, with **SCA 1**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Stoll moved that the above amendment be adopted, which motion failed.

Senator Stoll offered **SS** for **SB 455**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 455

An Act to repeal sections 116.160, 116.170, 116.175 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof five new sections relating to the powers of the general assembly.

Senator Stoll moved that **SS** for **SB 455** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 455, Page 1, In the Title, Lines 4-5 of said page, by striking the following: "powers of the general assembly" and inserting in lieu thereof the following: "procedures of ballot measures"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County

Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any referendum petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. entitled (title of law), passed by the general assembly of the state of Missouri, at the regular (or special) session of the general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19].., unless the general assembly shall designate another date, and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) CODE DIST. (Printed

(City, Town or Typed)

or Village)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe

that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19]..... .

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the State of Missouri proposed by the initiative:

County

Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any initiative petition with any name other than [his] **or her** own, or knowingly to sign his name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

INITIATIVE PETITION

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19]..., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) CODE DIST. (Printed

(City, Town or Typed)

or Village)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19]..... .

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires.....

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.060. Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. **Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page.** Signatures of voters from counties other than the one designated by the circulator **in the upper right hand corner** on a given page shall not be counted as valid.

116.080. **1.** Each petition circulator [must be a Missouri registered voter and a resident of Missouri.] **shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.**

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?

YES NO

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

4. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page [he] such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who signs any name other than his own to any petition, or who knowingly signs his name more than once for the same measure for the same election, or who knows he is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.100. The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. All pages shall be submitted at one time. When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the number of pages presented from each county. When a person submits a petition he or she shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180. [No initiative petition shall be accepted by the secretary of state until 8:00 a.m. on the second Tuesday of January in even-numbered years for access to the general election ballot in those years.]

116.110. Any voter who has signed an initiative or referendum petition may withdraw his or her signature from that petition by submitting to the secretary of state, before the petition is [certified as sufficient or insufficient, an affidavit] filed with the secretary of state, a sworn statement requesting that his or her signature be withdrawn. If the secretary of state receives such an affidavit before the day he certifies the petition he shall strike the signature and not

count it.] and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of state.

116.120. 1. When an initiative or referendum petition is submitted to the secretary of state, he or she shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. **Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid.** The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn in such a manner that every signature properly filed with the secretary of state shall be given an equal opportunity to be included in the sample. **The process for establishing the random sample and determining the statistically valid result shall be established by the secretary of state.** Such a random sampling shall include an examination of five percent of the signatures.

2. If the random sample verification establishes that the number of valid signatures is less than ninety percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to have failed to qualify in that district. In finding a petition insufficient, the secretary of state does not need to verify all congressional districts on each petition submitted if verification of only one or more districts establishes the petition as insufficient.

3. If the random sample verification establishes that the number of valid signatures total more than one hundred ten percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to qualify in that district.

4. If the random sampling shows the number of valid signatures within a congressional district is within ninety to one hundred ten percent of the number of signatures of qualified voters needed to declare the petition sufficient in that district, the secretary of state shall order the examination and verification of each signature filed.

116.130. 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent [not later than two weeks after the petition is submitted if the election authority is to verify each signature and not later than three weeks after the petition is submitted if verification is to occur by random sampling as provided in section 116.120] **pursuant to the following schedule:**

- (1) Not later than two weeks after one petition is filed in the office of the secretary of state;**
- (2) Not later than three weeks after two petitions are filed in the office of the secretary of state;**
- (3) Not later than four weeks after three or more petitions are filed in the office of the secretary of state.**

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. **Signatures shall not be counted as valid if they have been struck through or crossed out.**

2. If the election authority is requested to verify the petition by random sampling, such verification [must] **shall** be completed and certified not later than two weeks from the date **that** the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the [eleventh] **last Tuesday in July** prior to the election. **In the event of complete verification of signatures after a failed random sample, full verification shall be completed,**

certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.

[2.] **3.** If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

[3.] **4.** The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

[4.] **5.** The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] **6.** After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions [or return them to the person submitting them upon written request from such person. Returned petitions shall be stamped by the secretary of state to indicate that such petitions are no longer valid].

116.150. 1. After the secretary of state makes [his] a determination on the sufficiency of the petition and if [he] **the secretary of state** finds it sufficient, [he] **the secretary of state** shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, [he] **the secretary of state** shall issue a certificate stating the reason for the insufficiency.

3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later."; and

Further amend said bill, Page 6, Section 116.190, Line 15 of said page, by inserting after all of said line the following:

"116.220. The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition **or in the order in which they are passed by the general assembly.** [He] **The secretary of state** shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. **In the event a measure is labeled prior to, but not voted on at the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people."**; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SS for SB 455**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS for SB 455**, as amended, was declared perfected and ordered printed.

Senator Johnson assumed the Chair.

Senator Clay moved that **SB 328, 87, 100 and 55**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 252.043, Line 18, by inserting immediately after said line the following:

"557.035. When assessing punishment pursuant to section 557.036, the court or jury shall consider the motivation of the defendant and the status of the victim, including but not limited to, the actual, presumed or perceived race, color, religion, national origin, sex, sexual orientation or disability."; and

Further amend said bill, pages 2-3, section 574.087, lines 1-8, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.090, lines 1-7, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.093, lines 1-8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Clay offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 252.043, Line 18, by inserting immediately after said line the following:

"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class C felony.

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class D felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

4. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual Orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness."; and

Further amend said bill, pages 2-3, section 574.087, lines 1-8, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.090, lines 1-7, by striking all of said lines and inserting line lieu thereof the following:

"[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]"

Further amend said bill, page 3, section 574.093, lines 1-8, by striking all of said line and inserting in lieu thereof the following:

"[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]"

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above substitute amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Rohrbach offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 557.035, Lines 13 and 14 of said page, by deleting on said lines, the words "biological maleness or femaleness" and inserting in lieu thereof the word "gender".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Clay moved that **SSA 1** for **SA 3**, as amended, be adopted, which motion prevailed on a standing division vote.

Senator Clay moved that **SCS** for **SBs 328, 87, 100** and **55**, as amended, be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SBs 328, 87, 100** and **55**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 347, SB 40, SB 241 and SB 301**, with **SCS, SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

SA 4 was again taken up.

Senator Childers offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 1, Section 162.203, Line 2, by deleting the brackets on lines 2 and 15 and inserting after the "1." on line 2 the words "previous to July 1st, 2003".

Senator Childers moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Mathewson assumed the Chair.

Senator Steelman moved that **SA 4** be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bentley, Stoll, Sims and Howard.

SA 4 was adopted by the following vote:

YEAS--Senators			
Clay	Ehlmann	Flotron	Graves
House	Kenney	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Westfall	Wiggins
Yeckel--17			
NAYS--Senators			
Bentley	Bland	Caskey	Childers
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Sims	Staples
Stoll--13			
Absent--Senators			
Banks	Goode	Kinder--3	
Absent with leave--Senator DePasco--1			

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 1, In the Title, Line 10, by inserting after the word "subject" the following ", with an emergency clause for a certain section"; and

Further amend said bill, page 29, section 163.172, line 19 of said page, by inserting immediately after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects [funds] **fund**, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and

nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate

resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; **except that the state aid shall be deducted in equal amounts over the five school years following the school year of an unlawful transfer provided that:**

(1) The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental [fund] **funds'** unrestricted balances on June 30, 1995, exceeded eight percent

of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991- 92 school year; and

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

(a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;

(b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;

(c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;

(d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.

(4) A district which makes a transfer pursuant to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.

(5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental funds to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend said bill, page 40, Section 170.059, line 3 of said page, by inserting immediately after said line the

following:

"Section B. Because of the urgent need to revise state penalties for certain fund transfer violations, section 165.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, by inserting immediately before said line the following:

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020, RSMo;
 - (b) Second degree murder under section 565.021, RSMo;
 - (c) First degree assault under section 565.050, RSMo;
 - (d) Forcible rape under section 566.030, RSMo;
 - (e) Forcible sodomy under section 566.060, RSMo;
 - (f) Robbery in the first degree under section 569.020, RSMo;
 - (g) Distribution of drugs to a minor under section 195.212, RSMo;
 - (h) Arson in the first degree under section 569.040, RSMo;
 - (i) Kidnapping, when classified as a class A felony under section 565.110, RSMo. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 7**:

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, by inserting immediately after said line the following:

167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 and 167.131.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support--if the children are between the ages of six and twenty years and are unable to pay tuition--may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children as eligible pupils for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 9, Section 160.518, Line 22, by inserting immediately after said line the following:

"5. The department of elementary and secondary education shall furnish sufficient copies of all assessments to each school district without charge, using funds appropriated for that purpose.".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, by inserting after all of said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for the immediately preceding year **or the average number of eligible pupils for the three preceding school years,** whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator House moved that **SS for SCS for SBs 347, 40, 241 and 301**, as amended, be adopted, and requested a roll vote be taken. He was joined in his request by Senators Kenney, Bentley, Wiggins and Howard.

SS for SCS for SBs 347, 40, 241 and 301, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Quick
Rohrbach	Russell	Schneider	Steelman
Stoll	Wiggins	Yeckel--23	
NAYS--Senators			
Caskey	Maxwell	Sims	Westfall--4
Absent--Senators			
Banks	Kinder	Mueller	Scott
Singleton	Staples--6		
Absent with leave--Senator DePasco--1			

On motion of Senator House, **SS** for **SCS** for **SBs 347, 40, 241 and 301**, as amended, was declared perfected and ordered printed.

Senator Howard moved that **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rohrbach, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Sims, **SA 1** was withdrawn.

At the request of Senator Howard, **SS** for **SCS** for **SB 339** was withdrawn.

Senator Howard offered **SS No. 2** for **SCS** for **SB 339**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal sections 197.315, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.317, 198.067 and 198.427, RSMo Supp. 1998, relating to long-term care facilities, and to enact in lieu thereof nineteen new sections relating to the same subject.

Senator Howard moved that **SS No. 2** for **SCS** for **SB 339** be adopted.

At the request of Senator Howard, **SB 339**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 16, Section 452.552, Line 13 of said page, by inserting after all of said line the following:

"453.072. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to qualified relatives of a child who are granted legal guardianship of the child. As used in this section, "qualified relatives" means any grand-parent, aunt, uncle or adult sibling of the child."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 30, Section 488.015, Line 8, by inserting immediately after said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 38, Section 536.053, Line 2, by inserting after all of said line the following:

"538.300. The provisions of sections 260.552, RSMo, 490.715, RSMo, 509.050, RSMo, 510.263, RSMo, 537.067, 537.068, 537.117, 537.675, and 537.760 to 537.765, RSMo, [and subsection 2 of section 408.040, RSMo,] shall not apply to actions under sections 538.205 to 538.230."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 3** is out of order in that it goes beyond the scope and content of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem Quick assumed the Chair.

Senator Steelman moved that **SA 3** be adopted, which motion failed.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 10, Section 211.477, Line 6 of said page, by inserting after all of said line the following:

"304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of an infraction **or misdemeanor, as is provided in such order or regulation. The court entering any conviction for violations pursuant to this section or section 304.130 shall report the conviction to the department of revenue as otherwise provided by law.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 4** is out of order in that it goes beyond the scope and purpose of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob moved that **SA 4** be adopted, which motion prevailed.

Senator Schneider moved that **SS for SCS for SBs 1, 92, 111, 129 and 222**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS for SCS for SBs 1, 92, 111, 129 and 222**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 201**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 352**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 352, Page 1, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. In addition to the admission fee provided for regular and special board meetings pursuant to section 321.190, RSMo, board members of a fire protection district serving municipalities in a county of the first classification having a charter form of government shall receive a fee, not to exceed one hundred dollars per meeting, for attending special meetings of the board relating primarily to issues of legal actions, leasing or purchasing real estate, leasing or purchasing equipment and personnel matters."

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 748**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 775**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 796**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 987**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 607**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 265**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 79**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 867**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 867, Page 1, Section 336.115, Line 10, by striking the words "substantial probability of".

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 979**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 16, Page 1, Section 1, Line 5, by inserting immediately after "Code." the following: "**The credit allowed shall not exceed five thousand dollars for any eligible small business per taxable year.**"; and further amend line 10, by inserting immediately after "Code" the following: "**, but shall not include amounts paid or incurred for construction which is begun after January 1, 2000, which is not in compliance with the Americans with Disabilities Act of 1990**"; and

Further amend said bill and page, section A, line 2, by inserting immediately after "1999" the following: ", but before January 1, 2005".

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Beverly K. Woodhurst, 41748 Highway 154, Perry, Ralls County, Missouri 63462, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Kim Anderson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wilson J. Winn, Republican, 3734 Birchwood Drive, Kansas City, Jackson County, Missouri 64137, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, Sam Maupin, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Reginald L. Bassa, 7600 East 73rd Terrace, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2000, and until his successor is duly appointed and qualified; vice, Paul Gray, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William B. Siebenborn, Democrat, 661 Northeast 45th, Trenton, Grundy County, Missouri 64683, as a member of the State Milk Board, for a term ending September 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gene R. Brown, 12046 Weshire Place, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul W. Foster, 12517 Hillcrest Drive, Liberty, Clay County, Missouri 64068, as a public member of the Board of Geologist Registration, for a term ending April 11, 2002, and until his successor is duly appointed and qualified; vice, Thomas Butler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas I. Watkins, 1348 Overland Lane, Moberly, Randolph County, Missouri 65270, as a member of the Board of Geologist Registration, for a term ending April 11, 2002, and until his successor is duly appointed and qualified; vice, Larry Hendren, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Homer W. Miller, 4509 South Johnson Drive, Joplin, Newton County, Missouri 64804, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending April 11, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Jeanette E. Griffin for the State Board of Barber Examiners, submitted to you on March 30, 1999. Line two should be amended to read:

Jeanette E. Griffin, 2138 Red Oak Lane, Liberty, Clay County, Missouri 64068, as a public member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Jeanette E. Griffin, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 559, regarding Jessica Barwinski, Maryland Heights, which was adopted.

Senator Childers offered Senate Resolution No. 560, regarding the Thirtieth Anniversary of the Forsyth Library, which was adopted.

Senator Jacob offered Senate Resolution No. 561, regarding the University of Missouri-Columbia Football Tigers, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, one hundred fourth grade students from Shenandoah Valley Elementary School, Chesterfield.

Senator Childers introduced to the Senate, members of the Howell County EXCEL Leadership Group: Donna Frey, Diann Pannek, Heather Wakefield, Mike Slider, Jim Ronald, Lyle Wright, Russell Jackson, Willis Mushrush and Brenda Bell.

Senator Rohrbach introduced to the Senate, Alex Golubev and Julia B. Nagorniak, Ukraine; and Alex and Julia were made honorary pages.

Senator Steelman introduced to the Senate, her son, Joe and eighteen fourth grade students from St. Patrick's Catholic School, Rolla; and Joe, Jacob Drallmeier, Elise Friede and Hannah Mugel were made honorary pages.

Senator Stoll introduced to the Senate, Jim and Mary Cook, Roy and Lucie Wagner, Cletus and Arlene Cox and Dorothy Hughes, Jefferson County.

Senator Quick introduced to the Senate, Cindy Hadley and members of the Gladstone Chamber of Commerce Leadership Development Class.

Senator Rohrbach introduced to the Senate, Crystal Gammon, Osage Beach; Amanda Heckman, Tuscumbia; Jennifer Long, St. Elizabeth; and Kelly Procter and Faye Mooney, Eldon.

Senator Kinder introduced to the Senate, thirty-five fourth grade students from Trinity Lutheran School, Cape Girardeau; and Cody Gaither, Ben Bostic, Rachel Hengst and Jessie Essner were made honorary pages.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., and his wife, Wilma, Potosi.

Senator Westfall introduced to the Senate, Lorraine Richardson, Mary Wilson, Betty Ann Pritchard, Jimmie Rice and Marissa Rainey, Nevada; Scotty McPeak, Sheldon; and Lisa Lafavre, Bronaugh; and Lisa, Scotty and Marissa were made honorary pages.

Senator Caskey introduced to the Senate, former State Representative Gene Olson, Harrisonville.

Senator Caskey introduced to the Senate, Angela Nitchals, Rich Hill; Erin Barnes, Adrian; and James Friederich, Betty Robey and Pat

Laughlin, Butler; and Angela, Erin and James were made honorary pages.

Senator Caskey introduced to the Senate, Michael Mohr and Andrea Lynn Manning, Bates County; and Michael and Andrea were made honorary pages.

Senator Mathewson introduced to the Senate, his wife, Doris, and members of the First Christian Church, Sedalia.

Senator Russell introduced to the Senate, Erin Harrington, Niangua; and Marlea Fanning, Marcia Machie and Lola Belle Underwood, Marshfield; and Erin and Marlea were made honorary pages.

Senator Bentley introduced to the Senate, Jennifer McClure and Lauren Hawkins, Springfield.

Senator Bentley introduced to the Senate, Marcia Brown, Faun Aleen Tranberger, Nick Kasporek, Parker Christopher McKenna, Katti Lyn Yeakey, Brian Muegge, Melissa Mayus, Ericka Harwood and Rhiannon Rognstad, Springfield.

Senator Kinder introduced to the Senate, twenty-five seventh grade students from St. Paul's Lutheran School, Jackson.

On motion of Senator Jacob, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY--WEDNESDAY, APRIL 14, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: We ask that You preserve and protect us this day from all that would distract us from serving You and Your righteousness. We would also ask that You will continue to give us Your Spirit of wisdom, kindness and justice that all our interactions with each other and with those we serve may be expressions of true courtesy. Be with us in our thoughts and words and deeds as we deal with the increasing rhythm and pace of each day we meet here. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 562, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Lee Pitts, Blue Springs, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 94**; and **SCS** for **SBs 392, 393** and **267**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **HB 1** through **HCS** for **HB 11** for 3rd reading and final passage during the afternoon session, which request was granted.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SCS for **SB 233**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 233**

An Act to repeal sections 167.126 and 167.171, RSMo Supp. 1998, relating to placement of children, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Sims.

On motion of Senator Sims, **SCS** for **SB 233** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Clay	Schneider--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 215, introduced by Senator Mathewson, entitled:

An Act to repeal sections 103.083 and 103.130, RSMo 1994, relating to the health plan for state employees, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 215** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Maxwell	Russell	Singleton--3	
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Absent--Senators

Banks	Clay	Howard	Schneider--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SS for **SB 373**, introduced by Senator DePasco, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 373

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1998, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson assumed the Chair.

Senator Scott assumed the Chair.

Senator DePasco moved that **SS** for **SB 373** be read the 3rd time and finally passed.

The roll was called and Senator Klarich requested verification. The roll was verified as follows:

YEAS--Senators

Banks	Bentley	Bland	Clay
DePasco	Graves	Howard	Jacob
Johnson	Mathewson	Quick	Schneider
Scott	Sims	Singleton	Staples
Stoll	Wiggins	Yeckel--19	

NAYS--Senators

Caskey	Childers	Ehlmann	Flotron
Goode	House	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach

Russell Steelman Westfall--15

Absent--Senators--None

Absent with leave--Senators--None

Senator Bland rose to question why she was recorded as an aye, stating that she had voted no.

Senator Flotron raised the point of order that Senator Bland was incorrectly recorded as an aye, when in fact she voted no.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The corrected vote by which **SS** for **SB 373** was 3rd read and finally passed is as follows:

YEAS--Senators

Banks	Bentley	Clay	DePasco
Graves	Howard	Jacob	Johnson
Mathewson	Quick	Schneider	Scott
Sims	Singleton	Staples	Stoll
Wiggins	Yeckel--18		

NAYS--Senators

Bland	Caskey	Childers	Ehlmann
Flotron	Goode	House	Kenney
Kinder	Klarich	Maxwell	Mueller
Rohrbach	Russell	Steelman	Westfall--16

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SCS for **SBs 387, 206** and **131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 387, 206 and 131

An Act to repeal sections 208.040 and 208.070, RSMo 1994, and section 210.150, RSMo Supp. 1998, and to enact in lieu thereof seven new sections relating to child care and abuse.

Was taken up by Senator Clay.

On motion of Senator Clay, **SCS** for **SBs 387, 206** and **131** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 763**, entitled:

An Act to repeal sections 109.120, 109.130 and 109.241, RSMo 1994, relating to public records, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 3**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 3

Relating to Joint Committee on Legislative Term Limits.

WHEREAS, at the general election of 1992, seventy-five percent of Missouri voters adopted a measure to limit the terms of members of the Missouri General Assembly; and

WHEREAS, all legislators elected after 1992 are limited to a maximum of eight years, or four terms, in the Missouri House of Representatives, and eight years, or two terms, in the Missouri Senate; and

WHEREAS, while the merits of legislative term limits can and will be debated by numerous citizens and interested parties, there is no question: that term limits are part of the Missouri Constitution; that this law has already shortened the terms of some Missouri legislators; and that these limits will produce substantial repercussions on state government in the foreseeable future; and

WHEREAS, it would be a responsible and prudent action to prepare for the impending impact of legislative term limits; and

WHEREAS, it should be determined whether term limits will affect the balance of power between the legislative, executive and judicial branches, and if so, what measures should be taken to preserve the strength of the legislative branch; and

WHEREAS, it should also be determined whether term limits are likely to lead to an increased influence for state government employees and governmental consultants, or lobbyists, and, if so, if any preparations should be made to counteract this increased influence; and

WHEREAS, because of term limits, the citizen-members of the Missouri General Assembly will be expected to assume leadership positions and committee chairmanships at a faster rate than is currently expected even though they will have less time to study issues or learn the legislative process; and

WHEREAS, the potential impact on urban, suburban and rural issues and representation should be studied; and

WHEREAS, it could be of great assistance in preparing for the impact of term limits if ideas, recommendations and information could be garnered from present and former legislators, political scientists, interested citizens and scholars who have previously studied this issue and are familiar with term limit ramifications in other states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Legislative Term Limits be created to study the likely effects of term limits and to make recommendations on how best to prepare for the impact of term limits; and

BE IT FURTHER RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro Tem of the Senate, with no more than three House members or three Senate members being from the same political party and with at least two House members and two Senate members first being elected in or prior to November 1994 and at least one House member and one Senate member first being elected after November 1994; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and finds to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 19**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 19
Relating to the "Share the Harvest" program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, through the "Share the Harvest" program, hunters donate approximately thirty thousand pounds of venison annually to those in need; and

WHEREAS, through the generosity of these hunters, seventy-seven approved charitable organizations, spread throughout the state of Missouri, have received venison to distribute to needy families and individuals; and

WHEREAS, deer is a valuable source of protein but is unusually low in fat and many families and individuals have no dependable source of protein in their diets; and

WHEREAS, the program is a safe and healthy way for these individuals to get protein in their diet, because all participating deer processors must be licensed by the Department of Conservation and inspected by the United States Department of Agriculture; and

WHEREAS, the hunter normally pays the processing fee and more hunters would donate more venison to more needy families, if there were other sources of funds to pay the processing cost:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call for the Missouri Department of Conservation and the Department of Social Services to develop a partnership with the private sector to provide funds to pay for the processing costs for those hunters who donate their venison to charity through the "Share the Harvest" program; and

BE IT FURTHER RESOLVED that the Department of Conservation actively promote the Share the Harvest Program in coordination with the Conservation Federation of Missouri and other organizations to provide additional awareness of the opportunities to donate processed venison to charitable organizations and the availability of funding of processing costs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the directors of the Missouri Department of Conservation and the Department of Social Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 28**.

HOUSE CONCURRENT RESOLUTION NO. 28

Relating to a joint interim committee on funding of the hazardous waste fund and the hazardous waste remedial fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the safe generation, transfer, storage and disposal of hazardous waste is vital to the well-being of the state of Missouri; and

WHEREAS, emergency response to hazardous substance spills and releases, maintenance of contaminated real estate through the hazardous waste registry system, and participation in state and federal cleanups of sites contaminated by hazardous wastes is necessary to protect the health of Missouri's citizens and environment; and

WHEREAS, the Hazardous Waste Fund and the Hazardous Waste Remedial Fund are the primary means of funding the above mentioned activities, and with the balances of these funds falling and in danger of potentially not being able to adequately support necessary services in the future; and

WHEREAS, the hazardous waste generation, transfer, storage and disposal industries which contribute to the Hazardous Waste Fund and Hazardous Waste Remedial Fund enhance the economic well-being of the state of Missouri; and

WHEREAS, the fees imposed on the hazardous waste generation, transfer, storage and disposal industries should be fair and equitable; and

WHEREAS, the Department of Natural Resources and the industry have been unable to reach an agreement as to how to adequately fund the Hazardous Waste Fund and Hazardous Waste Remediation Fund; and

WHEREAS, an in-depth study needs to be conducted to determine what measures need to be taken to ensure that the Hazardous Waste Fund and Hazardous Waste Remedial Fund are sufficient to meet the obligations and provide the required services to the public, environment and the hazardous waste generation, transfer, storage and disposal industries:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that the committee conduct an in-depth study and make appropriate recommendations concerning appropriate funding of the Hazardous Waste Fund and the Hazardous Waste Remedial Fund, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the First Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research, and House Research provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 21**.

HOUSE CONCURRENT RESOLUTION NO. 21

Relating to the United States Postal Service issuing a commemorative stamp honoring law enforcement officers killed in the line of duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, since 1988, over seven hundred law enforcement officers throughout the United States have been killed in the line of duty and in addition over six hundred have been killed in duty-related accidents and over six hundred thousand officers have been assaulted; and

WHEREAS, while progress is being made in fighting crime, violence remains a serious threat to those officers who have sworn to protect society; and

WHEREAS, these heroic men and women of our law enforcement agencies who face danger every day and their fallen colleagues come from many different backgrounds; and

WHEREAS, we the members of the Ninetieth General Assembly believe these heroes who fought and died for the strongly held principles of law and order and whose sacrifices have made a difference to each and everyone of us should be honored in some significant way; and

WHEREAS, the U.S. Postal Service issues commemorative stamps which honor deceased heroes and we believe there are no greater heroes than our fallen law enforcement officers:

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Postal Service to issue a commemorative stamp honoring all law enforcement officers who have been killed in the line of duty; and

BE IF FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution to be sent to the Citizens' Stamp Advisory Committee, c/o Stamp Management, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474EB, Washington, DC 20260-6756.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 17**.

HOUSE CONCURRENT RESOLUTION NO. 17

Relating to the annexation of a portion of Northwest Missouri State University by the city of Maryville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the portion of Northwest Missouri State University which lies north of Fourth Street, South of the former Norfolk & West Railroad, and three hundred thirty feet east of Country Club Drive is within the Maryville city limits; and

WHEREAS, Northwest Missouri State University would like to have three additional tracts of property annexed into the city limits of Maryville;

and

WHEREAS, the city of Maryville would, also, like to encompass these three additional tracts of Northwest Missouri State University; and

WHEREAS, work on some planned city projects hinges on these three tracts being approved for annexation; and

WHEREAS, section 71.012, RSMo Supp. 1998, requires that all fee interest owners of property within a proposed area of annexation sign a verified petition requesting such annexation; and

WHEREAS, section 37.005, RSMo Supp. 1998, vests the fee title of this state property in the governor:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby authorize the Governor to approve the proposed annexation of three tracts of property of Northwest Missouri State University into the city of Maryville. The property is more particularly described as followed:

Tract 1

Commencing at the intersection of the West Line of Section 18, Township 64 North, Range 35 West, with the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence along Range Line, South to a point 132 feet North of the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 18; thence East 330 feet; thence North along a line 330 feet East and parallel to Range Line to the intersection of the southerly right-of-way of the former Norfolk and Western Railroad Company railroad right-of-way; thence westerly along said right-of-way to the point of beginning.

Tract 2

Commencing at the Northeast Corner of Section 18, Township 64 North, Range 35 West, Nodaway County, Missouri; thence South along the North/South Quarter Section Line of Section 18 to the intersection with the southerly right-of-way of the former Norfolk and Western Railroad; thence westerly along said right-of-way to the West Line of said Section 18; thence North along Range Line to a point 30 feet South of the Northwest Corner of said Section 18, said point being the southerly right-of-way of West Sixteenth Street; thence East along said right-of-way to the southerly extension of the East Line of Village "O" Estates Subdivision, a Subdivision of the Southwest Quarter of Section 7. Township 64 North, Range 35 West, Nodaway County; thence North along said extension to the intersection of the North Line of Section 18; thence East along Section Line to the Northeast Corner of said Section 18 and the point of beginning.

Tract 3

All of the Northeast Quarter (NE1/4) of Section Thirteen (13), Township Sixty-four (64), Range Thirty-six (36), lying North of the right-of-way of the former Norfolk and Western Railroad, Except the West 470 feet thereof.; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the board of regents of Northwest Missouri State University and the City Council of the city of Maryville, Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 563, regarding Kyle Douglas Popa, Liberty, which was adopted.

Senator Mathewson offered Senate Resolution No. 564, regarding Joseph A. Mickes, Jefferson City, which was adopted.

Senator Mathewson offered Senate Resolution No. 565, regarding the One Hundredth Anniversary of the Missouri Association of Insurance Agents, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 566, regarding Megan Henderson, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 567, regarding Tomasina Floresvega, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 568, regarding Justin Steinbruegge, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 569, regarding Michael Richars, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 570, regarding Megan Barnes, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 571, regarding Brian Baldwin, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 572, regarding Colin Koproske, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 573, regarding Kourtney Matthews, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 574, regarding Jason Steinbruegge, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 575, regarding Nicole Odenwald, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 576, regarding Erica Womack, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 577, regarding Nicholas Renfrow, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 578, regarding Ashley Kahlmeyer, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 579, regarding Daniel Looby, Fenton, which was adopted.

Senator Caskey offered Senate Resolution No. 580, regarding the Seventy-third Wedding Anniversary of Mr. and Mrs. Dale Spradling, Raymore, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **HCR 4** be taken up for adoption, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 4, Page 1, Line 12, by deleting "one thousand five hundred" and inserting in lieu thereof "two thousand".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **HCR 4**, as amended, was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Clay	Staples--4
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Absent with leave--Senators--None

HOUSE BILLS ON THIRD READING

HB 895, introduced by Representative Crump, entitled:

An Act to repeal section 57.201, RSMo Supp. 1998, relating to sheriffs' deputies in certain counties, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 895** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Clay	Staples--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 76, introduced by Representative Smith, entitled:

An Act to repeal section 456.535, RSMo 1994, relating to trustee's powers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 76** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 348**, with **SCS**, entitled:

An Act to amend chapter 211, RSMo, relating to juvenile courts by adding thereto one new section relating to the registration of juvenile sex offenders, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HCS** for **HB 348**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 348

An Act to amend chapter 211, RSMo, by adding thereto one new section relating to the registration of juvenile sex offenders, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HB 348** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HCS** for **HB 348** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Singleton Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 359, introduced by Representative Hosmer, entitled:

An Act to repeal section 211.421, RSMo 1994, relating to endangering the welfare of a child, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Caskey.

President Pro Tem Quick assumed the Chair.

On motion of Senator Caskey, **HB 359** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Schneider Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 248, with **SCS**, introduced by Represen-tative Kissell, entitled:

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Westfall.

SCS for **HB 248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 248

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **HB 248** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 248** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Schneider Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 1, with **SCS**, introduced by Representative Franklin, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, Stormwater Control Fund, and Fourth State Building Fund and to transfer money among certain funds for the period beginning July 1,1999 and ending June 30, 2000.

Senator Goode moved that **SCS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 1** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 1, Section 2.005, by deleting said section and inserting in lieu thereof the following:

"Section 2.005. To the Department of Elementary and Secondary Education

For the purpose of funding the Division of General Administration Personal Service and/or Expense and Equipment, at such time as the State School Board reestablishes the Transitional School District pursuant to Section 162.1100.12, RSMo

From General Revenue Fund \$3,821,242

From Federal Funds 3,077,614

From Lottery Proceeds Fund 110,880

From Excellence in Education Fund 3,215,259

For the purpose of funding enhancements to the computer information system for the Department of Elementary and Secondary Education

From Federal Funds 3,000,000

Total (Not to exceed 132.00 F.T.E.).....\$13,224,995".

Senator Ehlmann moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Ehlmann, Steelman and Stoll.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Stelman	Westfall	Yeckel-- 16
NAYS--Senators			

Banks	Bentley	Bland	Caskey
DePasco	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Schneider	Scott	Staples	Stoll
Wiggins--17			

Absent--Senator Clay--1

Absent with leave--Senators--None

Senator Graves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 3, Section 2.020, Lines 8-10, by deleting said lines and inserting in lieu thereof the following:

"And three hundred thirty-two million, one hundred ninety-one thousand, five hundred fifty-one dollars (\$332,191,551) for line 14 at-risk program, any amount of this appropriation in excess of the amount required for full funding of line 14 shall be distributed by the equity formula; and no more than one hundred forty-"; and

Further amend said section, line 29, by deleting the number "444,185,268E" and inserting in lieu thereof the number "470,885,268E"; and

Further amend said section, line 38, by deleting the number "2,327,646,861" and inserting in lieu thereof the number "2,354,346,861".

Senator Graves moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Mueller and Russell.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Childers	Ehlmann	Graves
Rohrbach	Singleton	Steelman	Yeckel--8
	NAYS--Senators		
Banks	Bland	Caskey	Clay
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Staples	Stoll	Westfall	Wiggins--24
	Absent--Senators		
Scott	Sims--2		
	Absent with leave--Senators--None		

Senator Mathewson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators		
Banks	Graves--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 12, Section 3.105, Line 3, by deleting the number "42,885,396" and inserting in lieu thereof the number "43,285,396" and further amend said section, line 8, by deleting the number "48,127,770" and inserting in lieu thereof the number "48,527,770".

Senator Staples moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 3.090, Line 4, by deleting the number "96,415,318" and inserting in lieu thereof the number "96,660,228" and further amend said section, line 36, by deleting the number "144,387,478" and inserting in lieu thereof the number "144,632,388".

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

President Pro Tem Quick assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 327**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 268**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 724**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 266**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 256**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 792**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 300**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 452**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 680**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 680, Page 1, In the Title, Line 2, by inserting after the numeral "142.875," the numeral

"142.896,"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the word "five" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the numeral "142.875," the numeral "142.896,"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "five" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the numeral "142.875," the numeral "142.896,"; and further amend said line, by striking the following: "and 142.908" and inserting in lieu thereof the following: ", 142.908, 142.955, 142.957 and 194.960"; and

Further amend said bill, Page 6, Section 142.875, Line 27, by inserting after all of said line the following:

"142.896. 1. Distributors shall be required to post a bond of not less than three months' total liability based on the number of gallons handled as estimated by the director, with a maximum amount of one hundred and fifty thousand dollars for gasoline and diesel fuel separately.

2. The tax on the motor fuel imported shall not be considered part of potential liability for calculation of the bond required of a distributor's license if the nonexempt motor fuels meet the following conditions:

(1) All of the motor fuel is subject to one or more tax precollection agreements to remit the motor fuel tax of this state to the supplier or permissive supplier as trustee with respect to the imports, as provided under section 142.839; and

(2) The director has determined that all border states have adopted terminal reporting requirements adequate for the mutual enforcement of this chapter.

3. If a distributor qualifies under subsection 3 of section 142.851 and was not required to have a bond posted under the predecessor act, then such distributor may elect to either post the bond as set out in this subsection or participate in a cash bond as set out below. The cash bond shall be held by the director in a "Motor Fuel Bond Trust Fund", which is hereby created, for the benefit of the participating distributors. The bond shall be used solely for the purpose of preventing a loss to the state for motor fuel taxes, surcharges and fees not paid. No distributor shall have any claim or rights against the fund as a separate person. Contributions to the fund will be made at the rate [of one-fourth of one percent of the prevailing motor fuel tax rate until such fund equals one-fourth of one percent of the prior year's motor fuel tax collections] **as defined in regulations set by the director of the department of revenue**. Contributions will be remitted by the participating distributors through the suppliers under the same procedures as set out for remitting of motor fuel taxes set out in this chapter. The director shall notify the suppliers of which distributors have elected to participate, when the contributions are required and when the fund has reached its maximum. At that time no further contributions will be required until the fund has been depleted to [one-eighth of one percent of prior year's motor fuel tax collections] **the minimum amount established by regulation**, at which time the director shall notify the distributors and suppliers to resume contributions at the [above] rate **as defined by regulation**. In the event the director has made a demand for payment from a participating distributor in this fund, and such demand has not been satisfied within ninety days, the director shall use the cash bond to satisfy the delinquency. Such action shall not affect the liability of the distributor for the tax or prevent the director from taking other actions permitted by this chapter.

4. After the expiration of three consecutive years of satisfactory tax compliance, as determined by the director, a licensed distributor will be eligible to participate in the pool bond in lieu of furnishing any other type of bond. The licensed distributor will be required to pay into the pool bond for a minimum of one year regardless whether the pool bond has reached its maximum or not.

5. The director shall compile a monthly report of all activities regarding the motor fuel bond fund including the name and license number of all licensees who have had a claim made against them, and the report shall be made available to pool members.
6. A distributor is required to remit the tax due on the last day of the succeeding month and file reports prescribed by the director.
7. Each licensed distributor shall report such information as required by the director including, but not limited to imports of motor fuel, exports of motor fuel, blending of motor fuels, all receipts of motor fuel, all receipts and sales of dyed fuel, all receipts and sales of tax- free undyed kerosene and the transporting of motor fuel or blend stocks for or on behalf of others.
8. The report required by this section shall be due on the last day of each month with respect to information required for the next preceding calendar month."; and

Further amend said bill, Page 7, Section 142.908, Line 13, by inserting after all of said line the following:

"142.955. The director or any person designated by the director may, in the enforcement of this chapter, conduct investigations he or she deems necessary.

142.957. The director may prescribe the forms upon which reports are made to the director and other forms and information the director deems necessary in the enforcement of this chapter, and may require periodic submission of information from any person dealing in, transporting or storing motor fuel.

142.960. A person who violates any provision of this chapter, including, but not limited to, the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, his or her authorized agents or the Missouri highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a class A misdemeanor. Any person who violates any of the provisions of this section, with the purpose to defraud, is guilty of a class D felony."

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 58**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 903**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 926**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS for SBs 328, 87, 100 and 55; SS for SB 455; and SS for SCS for SBs 347, 40, 241 and 301**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 17**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 700**, entitled:

An Act to amend chapter 393, RSMo, relating to allowing certain electrical corporations to recover certain costs, by adding thereto one new section for the sole purpose of allowing certain electrical corporations to recover certain costs, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 971**, entitled:

An Act to repeal section 305.200, RSMo 1994, relating to airports, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators House and Ehlmann offered Senate Resolution No. 581, regarding the Honorable Edward W. Hajek, Jr.,

Mayor of the City of Lake Saint Louis, which was adopted.

Senator Bentley offered Senate Resolution No. 582, regarding the Thirty-fifth Anniversary of the Springfield Branch of the Service Corps of Retired Executives, which was adopted.

Senator Johnson offered Senate Resolution No. 583, regarding Adam Miller, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 584, regarding Bo Brown, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 585, regarding Brian Atkins, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 586, regarding Brendan Duede, Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 587, regarding Elizabeth McReynolds Rozier, Jefferson City, which was adopted.

Senator Sims offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 588

WHEREAS, education should be a national priority but a local responsibility; and

WHEREAS, federal involvement in education has mushroomed into burdensome regulations, unfunded mandates, and unwanted meddling; and

WHEREAS, federal funding should be getting back to the classrooms; and

WHEREAS, education can be improved best in each local school district by giving the resources directly to the local schools; and

WHEREAS, parents, teachers, and local school administrators, and local school boards are the key to true education reform; and

WHEREAS, flexible funding and increased resources will provide schools a greater opportunity to meet their specific needs; and

WHEREAS, time and resources applying for federal funds reduces the time that could be spent in the classrooms, preparing lesson plans, and providing for the direct instruction of the children:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, endorse Senator Christopher S. Bond's proposal for a "Direct Check for Education" that will return federal money directly to local school districts in the form of flexible funding to meet local school district needs.

INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, Teresa, Jessica and Jacob Ray, Homeschoolers from Independence; and Jessica and Jacob were made honorary pages.

Senator Flotron introduced to the Senate, Kim Lieberman, John Rehmer, Melissa Stief and Sharon Wiggins, St. Louis County.

Senator Johnson introduced to the Senate, Elaine, Emily, Kimberly, Saralee and Randy Dunster, Homeschoolers from Savannah; and Emily, Kimberly, Saralee and Randy were made honorary pages.

Senator Russell introduced to the Senate, Carol Gariepy, Mychyl Plaster, Whitney Plaster and Dea Keeling; and Mark, Rachel, Marie and Maranda Townsend, Homeschoolers from Marshfield; Cheri, Laurin and Hannah Miller, Homeschoolers from Niangua; and Jimmy and Barbara Littlefield, Neosho.

Senator Kinder introduced to the Senate, twenty-five students from May Greene School, Cape Girardeau.

Senator Maxwell introduced to the Senate, his cousin, Elaine Cornett, Mexico; and members of the Missouri Federation of Democratic Women.

Senator Jacob introduced to the Senate, Kris Johnson and Nicole Bloom, Fayette.

On behalf of Senator Johnson and Senator Quick, the President introduced to the Senate, members of the Missouri Federation of Democratic Women: Helen Weigman, Jeanie Baker and Mary Edna Nower, Weston; Mayor Pauli Kendrick, Weatherby Lake; Dot Stahl, Parkville; Shirley Kimsey, Patsy Baber and Rosie Fulk, Platte City; and Sharon Aring, Smithville.

Senator Schneider introduced to the Senate, Marie Fischer and ninety fourth grade students from Jana Elementary School, Florissant; and Spencer Clark, Wesliegh McDonald, Kayleigh Johnson and Stacie Seppelt were made honorary pages.

Senator Howard introduced to the Senate, Martha Ware, Bloomfield; Sherry Disney, Stoddard County; and Ray and Phyllis Robertson, Qulin.

Senator Yeckel introduced to the Senate, James Vest, St. Louis County; and James was made an honorary page.

Senator Kenney introduced to the Senate, Linda, Mariah, Annie and Rebekah Friend, Homeschoolers from Buckner; and Mariah, Annie and Rebekah were made honorary pages.

Senator Flotron introduced to the Senate, Joe Locastro, Bevin Kloepper and Nancy Glascock, Webster Groves.

Senator Westfall introduced to the Senate, Franz and Loretta Penner, Barton County.

Senator Staples introduced to the Senate, Corwin Ruge, Wright City; and Ed Buscher, Larry Boyd and Brad Williams, Shannon County.

Senator Maxwell introduced to the Senate, Suzanne Easley and the tenth and eleventh grade American Government Class from Kirksville Christian High School, Kirksville.

Senator Caskey introduced to the Senate, Elaine Paxton, Clinton.

Senator Singleton introduced to the Senate, Amy Ford, Justin Buerge, Linda Garrett, Kathie Meyer, LaDonna Stroud and Alden Buerge, Joplin.

Senator Staples introduced to the Senate, Denise Thompson and students from East Carter County School, Ellsinore.

Senator Caskey introduced to the Senate, William R. (Bill) McDaniel and Jerry Martin, Raymore.

Senator Caskey introduced to the Senate, Scott and Charlotte Buerge, Nevada.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, Mayor Patti York and Councilman Tom Dempsey, St. Charles.

Senator Flotron introduced to the Senate, Marie, Christy and Michelle Sinay, Manchester; and Christy and Michelle were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY--THURSDAY, APRIL 15, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Let us Pray: Gracious and Merciful Father: Help us to recognize that there is nothing we can give someone that will show our love more than the gift of our time and attention. Help each of us to make this a priority in our lives for our family and then to those we serve, behind only our time with You, Oh God. Help us keep our word to our children and grandchildren so that they may know that in a world with increasingly glib promises, our word was true so that someday they will one day "rise up and call us blessed." This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 589

WHEREAS, the members of the Missouri Senate have learned that Friday, April 16th, will mark the Fourth Annual Kansas City Cattle Drive sponsored by Mike Murphy, founder of the drive and premier KCMO Radio talk show personality and also the founder of Kansas City's fabulous St. Patrick's Day Parade; and

WHEREAS, the purpose of the Cattle Drive is to allow Kansas Citians to participate in a full day of festivities celebrating their city's proud heritage of cattle and great steaks; and

WHEREAS, the day will also be marked by the first annual "Take Back the Kansas City Strip" cook-off featuring recognized chefs from Kansas City to prepare the best Kansas City Strips ever, after which local celebrities, including our colleague, the current Senator from the 10th District, Senator Harry Wiggins, will be on hand to taste-test the culinary masterpieces and award prizes for the finest steak recipe presentation; and

WHEREAS, the winning Kansas City Strip will then be flown by Derrick Thomas, All Star player for the Kansas City Chiefs, to New York City to be presented to Mayor Rudolph Guiliani, as evidence that the people of Kansas City are tired and irritated that New York continues to claim the long time traditional Kansas City Strip Steak, which is falsely renamed, on restaurant menus as the New York Strip, and that the people of Kansas City intend to take back their beloved Kansas City Strip permanently with the name it earned and deserves;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to congratulate Mike Murphy on his fourth annual cattle drive, wish the people of Kansas City good luck in their laudable efforts to return the Kansas City Strip to its traditional name for Kansas City and Missouri, and wish Mike Murphy many long years continued good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mike Murphy, Derrick Thomas, Lesley Hause, Chair of Take Back the Strip Campaign.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 590

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant lifetime achievements of the late Roger Pryor of St. Louis, Missouri, a preservationist and conservationist in the forefront of protecting the beauty and natural features and resources of this fine state; and

WHEREAS, Roger Pryor received both his Bachelor's degree and his Master's degree in Biology at Saint Louis University before embarking on his profession in the environmental field, a position provided by Leo A. Drey and the L-A-D Foundation for which he completed a statewide survey of valuable natural areas that was presented to the Missouri Department of Conservation for use in determining future land purchases by the Department; and

WHEREAS, an invaluable leader on conservation teaching and outreach, Roger Pryor organized the first natural areas conference held in Missouri and signed on as program director with the Missouri Coalition for the Environment in 1985 after working with the Missouri Department of Natural Resources; and

WHEREAS, regarded as one of the giants of resource advocacy in the Show-Me State, Roger Pryor became executive director of the 5,000-member coalition in 1988 and added the additional title of senior policy director in 1992 to denote officially a job he had held unofficially for years; and

WHEREAS, a Renaissance man who will be remembered for his many diverse interests and accomplishments as a lecturer, author, guitar player, folk singer, and stamp collector, Roger Pryor received countless awards and accolades from various environmental groups that include the Audubon Society, the Missouri Open Space Council, and the Ozark Chapter of the Sierra Club; and

WHEREAS, though environmentalists have been losing battles since the 1960s, no one did more to preserve open space than Roger Pryor, whose vast knowledge and understanding of the environment gained many allies for the coalition and helped to raise the public consciousness on numerous environmental issues; and

WHEREAS, a proud father and loving husband, Roger Pryor departed this life on March 23, 1999, leaving his devoted wife, Linda; his three wonderful children, Andrew, Jessica, and Kathryn; and a host of friends and fellow environmental activists, including groups of senior citizens and young people who benefitted from his work with them and his teachings about the environment and the heritage of Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Roger Pryor, a remarkable gentleman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the widow of the late Roger Pryor, as an expression of our deepest sympathy.

Senator Johnson assumed the Chair.

Senator DePasco announced that photographers from the Associated Press and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 4** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 4, Page 3, Section 4.030, by inserting immediately after said section the following new section:

"Section 4.032. To the Department of Revenue

For the purpose of paying refunds for overpayment or erroneous payments of any tax or any payment credited to Federal and Other Funds

From Federal and Other Funds. \$ 500,000 E".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 4**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller

Quick
Scott
Steelman
Yeckel--33

Rohrbach
Sims
Stoll

Russell
Singleton
Westfall

Schneider
Staples
Wiggins

NAYS--Senators--None
Absent--Senator Graves--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 5** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.340, Line 3, by deleting the number "211.393.1(4)" and inserting in lieu thereof the number "211.393.2(4)".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 24, Section 5.360, Line 3, by deleting the number "\$12,000,000" and inserting thereof the number "0".

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 2** was withdrawn.

Senator Goode moved that **SCS** for **HCS** for **HB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 5**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Steelman--1		
	Absent--Senators		
Banks	Clay--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 6** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 6, Section 6.060, by inserting immediately after said section the following new section:

"Section 6.061. To the Department of Agriculture

For the purpose of funding the Division of Animal Health

For the purpose of funding state meat and poultry inspections to enable value-added meat and poultry processing

Personal Service \$ 54,936

Expense & Equipment 74,926

From General Revenue Fund

(Not to exceed 2.00 FTE) \$129,862".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 6**, as amended, be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Goode, **SCS** for **HCS** for **HB 6**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 7** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 8** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 8** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		

Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Goode, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 70**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 70** was again taken up.

Senator Rohrbach raised the point of order that **SS No. 2** is out of order in that it goes beyond the scope and purpose of the original bill.

Senator Wiggins assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Lines 14-22, by striking all of said lines; and further amend said section, page 22, line 2, by striking the phrase, "through contact using the Internet,".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Line 22, by inserting immediately after all of said line the following:

"Section 1. All dealer franchises sanctioned and approved by the Missouri department of revenue shall provide compensation and benefits to their employees which are at least equal to compensation and benefits of employees of automobile manufacturers who assemble vehicles in the state of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 22, Section 407.825, Line 8, by adding:

"Discrimination prohibited by this subsection shall be prohibited only within the same market area and the complaining dealer shall have the burden of demonstrating the market area."

Senator Schneider moved that the above amendment be adopted.

Senator Staples assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 70, Page 21, Section 407.825, Lines 18-25, and Page 22, Lines 1-8, by striking all of said lines.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 70, Pages 1-22, All Sections, All Lines, by removing any new language which has not yet been removed.

Senator Flotron moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Childers, Kenney, Steelman and Stoll.

SA 4 failed of adoption by the following vote:

YEAS--Senator Staples--1

NAYS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Stelman
Stoll	Westfall	Wiggins	Yeckel--28

Absent--Senators

Banks	Klarich	Mueller	Sims
Singleton--5			

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schneider moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	DePasco
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel--25			

	NAYS--Senators		
Bland	Clay--2		
	Absent--Senators		
Banks	Ehlmann	Goode	Klarich
Mueller	Sims	Singleton--7	
	Absent with leave--Senators--None		

President Pro Tem Quick assumed the Chair.

At the request of Senator Clay, **SA 2** was withdrawn.

Senator Schneider moved that **SS No. 2** for **SB 70**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS No. 2** for **SB 70**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 591, regarding Fred Batchter, Sycamore Hills, which was adopted.

Senator Kenney offered Senate Resolution No. 592, regarding Daniel Christopher "Danny" Beard, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 593, regarding Jared Scott Livingston, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 594, regarding Jonathan James "Jon" Revo, Lee's Summit, which was adopted.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 595

WHEREAS, Chief Justice John Marshall wrote in 1819, "The power to tax involves the power to destroy."; and

WHEREAS, the state of Missouri has 2,646 taxing authorities and these taxing authorities have 4,777 tax rates; and

WHEREAS, while the taxing power may not destroy, the sheer numbers of authorities and rates may cause complications and confusion; and

WHEREAS, with taxes and taxing powers uppermost in the minds of citizens the time to resolve this complex situation may have come; and

NOW, THEREFORE BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly that there hereby be created a bipartisan "Commission on Taxing Authorities and Rates," which shall be composed of three members of the majority party and two members of the minority party to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be directed to study the taxing powers of the state, the taxing authorities within the state and to study ways in which to maintain the ability of the state to efficiently provide an adequate level of services while structuring a taxing system which lessens the burden on the citizens of this state and which does not collect revenues in excess of any constitutional limitations; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be authorized to hold hearings within the state, as it deems advisable, with members of the committee to receive reimbursement only for their actual and necessary expenses incurred in the course of their committee service, from the appropriation of the contingent fund of the Senate; and

BE IT FURTHER RESOLVED that the members of the Senate Research staff and the Senate Appropriations staff be utilized to provide necessary clerical, research, legal and fiscal services for the Commission, with travel expenses for the staff members to be paid from appropriation made for their staffs; and

BE IT FURTHER RESOLVED that the Commission present a final report on its activities and recommendations to the Senate in January, 2000.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 857**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS for HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS for HCS for HB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS for HB 814**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator DePasco submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS for HCS for HB 618**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS for HB 888**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HCS for HB 349**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 5**, begs leave to report that it has considered the same and recommends that the joint resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Joint Resolution No. 5, Page 2, Section 26(b), Line 9, by striking the word "all" and inserting in lieu

thereof the following: "**April, August and November**".

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator DePasco submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HCS** for **HB 676**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bland, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HB 162**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 326**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 415**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 415, Page 1, Section 2, Line 3, by inserting after the word "not" the words "**without proof of such registration**"; and

Further amend said bill, page 1, Section 2, Lines 4-5, by striking the words "without proof of such registration"; and

Further amend said bill, Page 1, Section 3, Line 2-3, by striking the words "rules and regulations" and inserting in lieu thereof the word "**procedures**".

Also,

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HB 812**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance, submitted the following report:

Mr. President: Your Committee on Insurance, to which was referred **HB 866**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 988**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 115**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator DePasco submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 472**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HBs 427, 40, 196 and 404**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 763--Local Government and Economic Development.

HCS for **HB 13**--Appropriations.

HB 17--Appropriations.

HS for **HB 700**--Commerce and Environ-ment.

HS for **HB 971**--Financial and Governmental Organization.

CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCR 17--Rules, Joint Rules and Resolutions.

REFERRALS

President Pro Tem Quick referred **HCS** for **HCR 3**; **HCS** for **HCR 19**; **HCR 28**; and **HCR 21** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SCS** for **SBs 392, 393 and 267**; and **SS** for **SCS** for **SBs 347, 40, 241 and 301** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 718, 225, 876 and 838**, entitled:

An Act to repeal sections 143.141, 376.421, 376.424, 376.960, 376.961, 376.966, 376.986, 379.930, 379.938, 379.940, 379.943 and 379.952, RSMo 1994, relating to health insurance, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 192** and **945**, entitled:

An Act to repeal section 407.020, RSMo Supp. 1998, relating to telemarketing practices, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, the Physician of the Day, Dr. Mark B. Chaplick, D.O., Kansas City.

Senator Westfall introduced to the Senate, members of DECA from Bolivar High School, Bolivar; and Barrett Pierce, Keila Combs, Medonna Jenkins, Deborah Dunlap, Valeria Podobea and Tiffany Standley were made honorary pages.

Senator Stoll introduced to the Senate, Ralph and Elizabeth Krodinger, Mona Denny, and Laura and Audrey Lassing, Jefferson County; and Audrey was made an honorary page.

Senator Sims introduced to the Senate, Dan and Sara Barwinski, and their daughter, Jessica, Karen Dapron and Bethany LaPlante, St. Louis.

Senator Flotron introduced to the Senate, fifty eighth grade students from St. Monica's School, St. Louis.

Senator Bentley introduced to the Senate, Mrs. Johnson and forty-five fourth grade students from Greenwood Elementary School, Springfield.

On behalf of Senator Graves, Senator Scott introduced to the Senate, Dick and Marcella Wiles and Jack and Gilta Oddy, Maryville.

Senator Clay introduced to the Senate, twenty-one students from Youth Build, St. Louis.

Senator Bentley introduced to the Senate, Hasem Claudio, Monique Gibson, Sarah Ingalsbe, Casey Smith, Eric Hessee, Beth Nickle and Margaret Skidmore, Springfield.

Senator Schneider introduced to the Senate, fifty fourth grade students from Robinwood Elementary School, Florissant; and Uniqueka Hampton, Ashley Hopkins, Amanda Meyer and Tom Sevier were made honorary pages.

Senator Flotron introduced to the Senate, one hundred fourth grade students from Pierremont School, Manchester; and Brittany Bajier, Frank Xing, Megan Willett, Haoron Li, Sharon Harper and Lane Rieck were made honorary pages.

Senator Jacob introduced to the Senate, Lakea Graves, Kayla Hagan and Andrea Gerlt, Fayette; and Kayla and Andrea were made honorary pages.

Senator Yeckel introduced to the Senate, Glen Drysdale and twenty-two Community Service students from Mehlville High School, St. Louis.

Senator Banks introduced to the Senate, members of Youth Build: Donald Brown, Deandra Morgan, Melinda Rice, Corey Earl and Yvonne Nunn, St. Louis; who were made honorary pages.

Senator Caskey introduced to the Senate, Patricia Pike, Tracy Scavuzzo, Laura Perdue and thirty-five students from

Harrisonville High School and Middle School, Harrisonville.

Senator Graves introduced to the Senate, Mary Garr, Jackie Basket and seventeen seventh grade students from Meadville.

Senator Caskey introduced to the Senate, Joyce Barnes, Jean McNeil, Kathryn Wilson, Marjorie Woods and Tina Keith, Warrensburg.

Senator Kenney introduced to the Senate, Laura, Mike, Mark and Bryan Hoggard, Homeschoolers from Kansas City.

Senator Yeckel introduced to the Senate, Cal

Rudsinski, Paula Nelson and sixty fifth grade students from Green Park Lutheran School, St. Louis; and Joshua Garcia, Ben Anderson, Jason Hicks and Thomas Johnson were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Monday, April 19, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY--MONDAY, APRIL 19, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We thank You for a great day to drive here and safely arriving for work among your people. We recognize that this world is watching our every move and every vote so we appreciate Your teaching us to follow Your will in everything we do. And we would ask for a special measure of Your help and guidance this week granting us understanding and tolerance for different points of view and pray Your love be present in all that we say and in the votes we cast this week. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 15, 1999, was read and approved.

Senator DePasco announced that photographers from KOMU-TV, KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Sims offered Senate Resolution No. 596, regarding Anne Elizabeth Freeman, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 597, regarding April Goff, Festus, which was adopted.

Senator Sims offered Senate Resolution No. 598, regarding Christine M. Grosch, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 599, regarding Leslie Ann Hughes, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 600, regarding Janae A. Smith, Imperial, which was adopted.

Senator Sims offered Senate Resolution No. 601, regarding Kathryn Leigh Roberts, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 602, regarding Jenny Comrie, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 603, regarding Amber Marie Frayne, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 604, regarding Melinda Harriman, Lake St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 605, regarding Laura Levitt, Town and Country, which was adopted.

Senator Sims offered Senate Resolution No. 606, regarding Jennifer Lynn Short, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 607, regarding Stephanie Tice, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 608, regarding Justine Whitney Carter, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 609, regarding Danielle Clark, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 610, regarding Karimah Gunn, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 611, regarding Brooke Elizabeth Henry, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 612, regarding Jennifer Pratt, Defiance, which was adopted.

Senator Sims offered Senate Resolution No. 613, regarding Rachel Andrews, Des Peres, which was adopted.

Senator Sims offered Senate Resolution No. 614, regarding Kylene A. Diller, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 615, regarding Rebecca J. Boyd, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 616, regarding Jaclyn C. Rapp, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 617, regarding Jonnesse Tammyka Triggs, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 618, regarding Lisa C. Dierkes, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 619, regarding Kate Christman, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 620, regarding Jessica Nesselhauf, Festus, which was adopted.

Senator Sims offered Senate Resolution No. 621, regarding Courtney A. Kramer, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 622, regarding Christine Callahan, Imperial, which was adopted.

Senator Sims offered Senate Resolution No. 623, regarding Victoria Ann Altepeter, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 624, regarding Morgan Marie Taylor, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 625, regarding Catherine Irene Hughes, Shrewsbury, which was adopted.

Senator Sims offered Senate Resolution No. 626, regarding Amanda Deardorff, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 627, regarding Beth Fore, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 628, regarding Kori Suzanne Frazee, Spanish Lake, which was adopted.

Senator Sims offered Senate Resolution No. 629, regarding Romney Edwards, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 630, regarding Elizabeth Hancock, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 631, regarding Staci McCoy, Lake St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 632, regarding Katie A. M. Mills, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 633, regarding Tracey Raguse, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 634, regarding Megan R. Toole, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 635, regarding Jennifer Ploch, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 636, regarding Cindy Jost, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 637, regarding Marie A. Moesch, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 638, regarding Lynne Marie Riedemann, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 639, regarding Courtney Melissa Straine, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 640, regarding Beth E. Kruenegel, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 641, regarding Lynette Orton, Festus, which was adopted.

Senator Sims offered Senate Resolution No. 642, regarding Amy Karen Naylor, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 643, regarding Elysa Weston, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 644, regarding Angela Kay Restifo, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 645, regarding Karen E. Meinecke, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 646, regarding Shannon McGuire, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 647, regarding Kristen Hopper, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 648, regarding Emily Amanda Hill, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 649, regarding Elizabeth Ebersohl, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 650, regarding Melissa S. Doelling, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 651, regarding Amy Carson, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 652, regarding Heather Ihrig, Florissant, which was adopted.

Senator Rohrbach offered Senate Resolution No. 653, regarding Jim Neeley, Jefferson City, which was adopted.

Senator Stoll offered Senate Resolution No. 654, regarding Seth Haze Bailey, Crystal City, which was adopted.

Senator Bentley offered Senate Resolution No. 655, regarding David Harrison, Springfield, which was adopted.

Senator Schneider offered Senate Resolution No. 656, regarding the One Hundredth Birthday of Mrs. Mae Haeckel, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 657, regarding the St. Louis RAMS Football Club, which was adopted.

REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SBs 1, 92, 111, 129 and 291**; **HS** for **HCS** for **HB 274**; **HCS** for **HB 888**, with **SCS**; **HS** for **HB 450**, with **SCS**; and **HCS** for **HB 676**, with **SCS**, to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Calvin W. Call, 226 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joanne M. Collins, Republican, 4030 Bellefontaine Avenue, Kansas City, Jackson County, Missouri 64130, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2000, and until her successor is duly appointed and qualified; vice, Kenneth Beck, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles "Gil" Copley, 14 Plymouth Court, St. Charles, St. Charles County, Missouri 63304, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela S. Fowler-Allen, 8141 Campbell, #114, Kansas City, Jackson County, Missouri 64131, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheila Greenbaum, 34 Westmoreland Place, St. Louis City, Missouri 63108, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2000, and until her successor is duly appointed and qualified; vice, Deirdre K. Hirner, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

April L. Ford Griffin, 3229 North Twentieth Street, St. Louis City, Missouri 63107, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Delores A. Jeffries, 505 Country Club Drive, Normandy, St. Louis County, Missouri 63121, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Klotz, 135 Anderson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margaret F. Koch, 3555 Longfellow Boulevard, St. Louis City, Missouri 63104, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sandra S. Mazzocco, 1504 Subella, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

F. Leland McClure, Ph.D., 2110 Briargate Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald M. Shechter, 5825 Rockhill Road, Kansas City, Jackson County, Missouri 64110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ernest M. Simon, Rural Route #1, Box 90, Dover, Lafayette County, Missouri 64022-9701, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Derotha G. Skaggs, 2400 A. West Maude Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald M. Thomas, 2433 Highway Z, Pevely, Jefferson County, Missouri 63070, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel L. Vornberg, 556 Purdue, St Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lois L. Vander Waerdt, 7155 Washington, St. Louis, St. Louis County, Missouri 63130, as a member of the State Board of Mediation, for a term ending October 25, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy J. Warren, Republican, 512 Robin Crest Court, Wildwood, St. Louis County, Missouri 63040, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2003, and until his successor is duly appointed and qualified; vice, Mat Madison Turner, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary S. Wasserman, D.O., 4545 Wornall Road, #102, Kansas City, Jackson County, Missouri 64111, as a member of the Advisory Committee on

Lead Poisoning, for a term ending April 15, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 701.302.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HB 661, introduced by Representative Crump, entitled:

An Act to repeal section 43.150, RSMo Supp. 1998, relating to discipline of members of the highway patrol, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 661** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senator Johnson--1			
Absent with leave--Senators			
Banks	Graves	Sims--3	

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 165, introduced by Representative May (108), entitled:

An Act to repeal section 556.061, RSMo 1994, relating to criminal code definitions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 165** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	NAYS--Senators--None		
	Absent--Senator Yeckel--1		
	Absent with leave--Senators		
Banks	Graves	Sims--3	

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 242, introduced by Representative May (108), entitled:

An Act to repeal section 534.070, RSMo 1994, and sections 534.090 and 535.030, RSMo Supp. 1998, relating to civil procedure, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 242** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Banks	Graves	Sims--3	

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 103, introduced by Representative Treadway, entitled:

An Act to repeal section 82.1025, RSMo Supp. 1998, relating to nuisance property, and to enact in lieu thereof one

new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 103** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators--None
	Absent--Senators
Ehlmann	Schneider--2
	Absent with leave--Senators
Banks	Graves
	Sims--3

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 275, with **SCS**, introduced by Representatives May (108) and O'Toole, entitled:

An Act to repeal section 473.737, RSMo 1994, relating to public administrators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 275**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 275

An Act to repeal section 473.737, RSMo 1994, relating to public administrators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Scott moved that **SCS** for **HB 275** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 275** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Graves	Sims--2		

The President Pro Tem declared the bill passed.

Senator Mathewson assumed the Chair.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Graves	Sims--2		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 5, Section 10.060, Lines 1-11, by deleting all of said lines and inserting in lieu thereof the following:

"There is transferred out of the State Treasury, chargeable to the General Revenue Reim-bursements Fund, Forty Five Million, One Hundred Fifty Seven Thousand, Eight Hundred Forty One Dollars (\$45,157,841).".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Lines 16-23 of said page, all of page 37 and lines 1-12 of page 38, by striking all of said lines and inserting in lieu thereof the following:

"1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy and childbirth care, including abortion providers. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

(a) The same or similar name;

(b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation,

examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries;

(e) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies; or

(f) Fundraising activities.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section, otherwise subsection 3 of this section shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the department of health or provided directly by governmental agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy and childbirth care."

Senator Schneider moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Goode, **HCS** for **HB 10**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1** and has again taken up and passed **SCS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

SCS for HCS for HB 3 and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 4**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 5**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 6**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 7** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 8** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 9** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4**, as amended; **SCS for HCS for HB 5**, as amended; **SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9**, and grants the House conferences thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committees to act with like committees from the House on **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4**, as amended; **SCS for HCS for HB 5**, as amended; **SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

HOUSE BILLS ON THIRD READING

Senator Goode moved that **HCS for HB 10**, with **SCS and SA 2** (pending), be called from the Informal Calendar and

again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Banks raised the point of order that **SA 2** is out of order in that it is not germane to the bill, stating that the amendment attempts to legislate through appropriations.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Clay assumed the Chair.

Senator Schneider offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 4, Line 13, by inserting after the words: "childbirth care" the words: "including abortion providers".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Maxwell offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Lines 16-23 of said page, all of page 37 and lines 1-12 of page 38, by striking all of said lines and inserting in lieu thereof the following:

"1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share the same name, or any of the following without reimbursement for same:

- (a) Medical or non-medical facilities, including but not limited to treatment, consultation, examination, and waiting rooms;
- (b) Expenses;
- (c) Employee wages or salaries;
- (d) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies; or
- (e) Fundraising activities.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect subsidy from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section, otherwise subsection 3 of this section shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the department of health or provided directly by governmental agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy care may be provided. Nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section."

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 2**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for House

Committee Substitute for House Bill No. 10, Line 8, Pages 1 to 4, by striking all language after the word "expenses" and substitute the following:

"Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy, abortion services and childbirth care. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

- (a) The same or similar name;
- (b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;
- (d) Employee wages or salaries;
- (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies; or
- (f) Fundraising activities.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section.

2. If any provision of subsection 1 of this section is held invalid, the provision shall be severed from subsection 1 of this section and the remainder of subsection 1 of this section shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3 of this section, otherwise subsection 3 of this section shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the department of health or provided directly by governmental agencies of this state or provided directly by any political subdivision of this state through contractual agreement with the department, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling

relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy and childbirth care."

Senator Schneider moved that the above amendment be adopted.

Senator Maxwell offered **SSA 1** for **SA 1** to **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Lines 16-23 of said page, all of page 37 and lines 1-12 of page 38, by striking all of said lines and inserting in lieu thereof the following:

"1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Nondirective counseling relating to pregnancy may be provided. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute direct referral marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share the same name, or medical or non-medical facilities, including but not limited to treatment, consultation, examination, and waiting rooms, or any of the following without reimbursement for same:

(a) Expenses;

(b) Employee wages or salaries; or

(c) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect subsidy from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section."

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **SA 1** to **SSA 1** for **SA 2** is out of order in that it is in the

third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob raised the point of order that **SA 1** to **SSA 1** for **SA 2** is out of order in that it attempts to replace the subject matter of the substitute amendment with what, in effect, is the same language of the underlying amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Maxwell, **SSA 1** for **SA 2** was withdrawn.

Senator Maxwell offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Lines 16-23 of said page, all of page 37 and lines 1-12 of page 38, by striking all of said lines and inserting in lieu thereof the following:

"1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses. Nondirective counseling relating to pregnancy may be provided. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute direct referral marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share the same name, or medical or non-medical facilities, including but not limited to treatment, consultation, examination, and waiting rooms, or any of the following without reimbursement for same:

(a) Expenses;

(b) Employee wages or salaries; or

(c) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect subsidy from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section."

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Klarich offered **SA 1** to **SSA 2** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 3, Line 16, by adding at the end thereof, the following:

"Any reference to Title X, Title X regulations, Title X program guidelines herein shall be those drafted and in effect as of 1980."; and

Further amend said bill, line 11, page 3, by deleting the word "required" on said line and replace in lieu thereof, the following: "defined as a "must or shall" service".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** to **SSA 2** for **SA 2** was withdrawn.

Senator Schneider offered **SA 2** to **SSA 2** for **SA 2**:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Line 8, Pages 1-4, by striking all language after the word "expenses" and substitute the following:

"Abortion services include performing, assisting with, or directly referring for abortions, or encouraging or counseling patients to have abortions. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility including adoption, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care. Nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy, abortion services and childbirth care and may provide nondirective counseling in regard to such options. An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services, including its own independent affiliate. None of these funds may be paid or granted to an organization or an affiliate of an organization that provides abortion services. An organization that receives these funds may not display or distribute marketing materials about abortion services to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services, and to ensure that an organization that provides abortion services does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services may not share any of the following:

(a) The same or similar name;

(b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries;

(e) Equipment or supplies, including but not limited to computers, telephone systems, tele-communications equipment and office supplies; or

(f) Fundraising activities.

An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services receives no direct or indirect economic or marketing benefit from these funds. The director of the department of health shall retain an independent auditing firm to conduct an audit at least annually to ensure compliance under this section. Nothing in this section requires an agency receiving Federal Title X funds to refrain from performing any service that must or shall be provided under Title X as defined in 1970 and regulations drafted in 1980.

2. If any provision of subsection 1 of this section is held invalid, that provision shall be severed from subsection 1 and the remainder of subsection 1 shall be enforced. If the entirety of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsections 3 through 5 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing, and follow-up services provided directly by the Department of Health or provided directly by government agencies of this state or any political subdivision of this state or directly by public health entities, through contractual agreement with the Department, provided that none of these funds may be expended for the purpose of performing, assisting, or encouraging abortion, and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include obstetric or prenatal care. None of these funds may be expended for directly referring for abortion; however, nondirective counseling relating to pregnancy may be provided. Nondirective counseling is defined as providing patients with a list of health care providers that provide pregnancy, abortion services and childbirth care. For the purpose of this subsection, public health entities shall include community mental health centers organized pursuant to section 205.975 to 205.990, RSMo, and community action agencies organized pursuant to sections 660.370 to 660.374, RSMo.

4. If the entirety of subsection 1 of this section is held invalid and any provision of subsection 3 of this section are held invalid, then this appropriation shall be in accordance with subsection 5, otherwise subsection 5 shall have no effect.

5. For the purpose of funding family planning services, pregnancy testing, and follow-up services that are provided directly by the Department of Health or provided directly by government agencies of this state or any political subdivision of this state through contractual agreement with the Department, provided that none of these funds appropriated herein shall be expended for the purposes of performing, assisting, or encouraging abortion, provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, and further provided that none of these funds may be expended for directly referring for abortion. Family planning services are services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. Follow-up services are services that supplement initial consultations for family planning services and pregnancy testing but do not include pregnancy or childbirth care."

Senator Schneider moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 2** to **SSA 2** for **SA 2** and was joined in his

request by Senators Kinder, Mueller, Russell and Wiggins.

SA 2 to **SSA 2** for **SA 2** was adopted by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Scott	Steelman	Stoll	Westfall
Wiggins	Yeckel-- 18		
NAYS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Goode	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Sims	Singleton	Staples-- 16
Absent--Senators--None			
Absent with leave--Senators--None			

SSA 2 for **SA 2**, as amended, was again taken up.

Senator Maxwell moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kenney and Yeckel.

SSA 2 for **SA 2**, as amended, was adopted by the following vote:

YEAS--Senators			
Childers	DePasco	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel-- 20
NAYS--Senators			
Banks	Bentley	Bland	Caskey
Clay	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Sims	Staples-- 14		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Banks offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 26, Section 10.600, Line 2, by deleting the number "954,335" and inserting in lieu thereof the number "1,024,535"; and further amend said section, line 5, by deleting the number "256,164" and inserting in lieu thereof the number "377,964"; and further amend said section, line 6, by deleting the number "1,210,499" and inserting in lieu thereof the number "1,402,499"; and further amend said section, line 10, by deleting "Total (Not to exceed 42.90 F.T.E.) \$2,282,386" and inserting in lieu thereof "Total (Not to exceed 44.90 F.T.E.) \$2,474,386".

Senator Banks moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Clay and Howard.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Howard	Jacob	Johnson
Scott	Staples--10		
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 40, Section 10.710, Line 34, by deleting the number "\$900,000" and inserting in lieu thereof the number "\$1,200,000".

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Goode moved that **SCS** for **HCS** for **HB 10**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 10**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Banks	Bland	Howard	Jacob
Quick	Sims	Staples--7	
Absent--Senators--None			
Absent with leave--Senators--None			

RESOLUTIONS

Senator Scott offered Senate Resolution No. 658, regarding the Ninetieth Birthday of Mr. Timothy J. Ryan, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 659, regarding the death of David R. Humes, Sr., Hayti Heights, which was adopted.

Senator Bentley offered Senate Resolution No. 660, regarding the death of John Arnold Appelquist, Springfield, which was adopted.

Senators Howard, Banks, Clay and Bland offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 661

WHEREAS, the members of the Missouri Senate were truly saddened by the recent demise of David R. Humes, Sr., who passed away on April 8, 1999, at the age of sixty-five; and

WHEREAS, David Humes had enjoyed the honor, privilege, and distinction of serving as mayor of Hayti Heights, Missouri, since its incorporation in 1972; and

WHEREAS, born in Casilla, Mississippi, June 8, 1933, to Henry and Sammie Humes, David Humes confessed his Christian hope early in life through the auspices of the Methodist Church with which he remained a devoted member throughout his childhood and adult life; and

WHEREAS, in 1952 David Humes took the hand of his beloved bride, Doretha Kuykendoll, in holy matrimony during solemn ceremonies held on Saturday, July 5, and then later that same year entered military service to begin a two-year tour of duty with the United States Army; and

WHEREAS, a cotton worker with an enviable performance record, David Humes availed himself of Great Society programs such as the Ford Foundation, Community Based Leadership Development, and other training programs which prepared him to accept appointment as Mayor of Hayti Heights after its 1972 incorporation as a fourth class city; and

WHEREAS, a leader of a town of 2,000 inhabitants and little in the way of basic or necessary services, Mayor Humes oversaw the extension of a private water line into the city, the enactment of a livestock ordinance, training of the City Council by Lincoln University, development of a youth government structure, paving of city streets, replacement of the private water supply by a city-owned system, and establishment of a housing authority and fire and police protection; and

WHEREAS, the passing of Mayor Humes will be mourned by the many constituents, neighbors, and friends whose lives were bettered through his diligent efforts, and by his loving extended family which includes his wife, Doretha; daughters, Vernice Jones and Anita Orr; sons, David and Karl; twelve grandchildren; two sisters; a brother; two aunts; and numerous nieces, nephews, and other relatives:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to extend our heartfelt condolences to the family and friends of the late Mayor David Humes during this difficult period of loss and sorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the widow and children of the late David R. Humes, Sr.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 5** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Wiggins offered **SS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 5

An Act to repeal sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.070, 147.080, 147.100, 351.484 and 351.598, RSMo 1994, and sections 147.120 and 351.120, RSMo Supp. 1998, relating to corporation franchise tax, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Senator Wiggins moved that **SS** for **SB 5** be adopted.

At the request of Senator Wiggins, **SB 5**, with **SS** (pending), was placed on the Informal Calendar.

Senator Wiggins moved that **SB 75**, **SB 381** and **SB 204**, with **SCS**, be called from the Informal Calendar and taken up

for perfection, which motion prevailed.

SCS for **SBs 75, 381 and 204**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 75, 381 and 204

An Act to repeal sections 144.030 and 306.016, RSMo Supp. 1998, relating to exemptions from state and local sales and use taxes, and to enact in lieu thereof four new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 75, 381 and 204** be adopted.

Senator Wiggins offered **SS** for **SCS** for **SBs 75, 381 and 204**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 75, 381 AND 204

An Act to repeal sections 136.300, 144.190 and 144.605, RSMo 1994, and sections 144.014, 144.030 and 306.016, RSMo Supp. 1998, relating to sales and use taxes, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for certain sections.

Senator Wiggins moved that **SS** for **SCS** for **SBs 75, 381 and 204** be adopted.

At the request of Senator Wiggins, **SB 75**, **SB 381** and **SB 204**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 266**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SB 70**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**: Representatives: Franklin, Williams (121), Lakin, Legan, Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**: Representatives: Franklin, Williams (121), Lakin, Legan, Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**, as amended: Representatives: Franklin, Williams (121), Green, Legan, Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**, as amended: Representatives: Franklin, Williams (121), Green, Legan, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**, as amended: Representatives: Franklin, Scheve, Williams (159), Legan, Graham (106).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**: Representatives: Franklin, Scheve, Williams (159), Legan, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**: Representatives: Franklin, Williams (121), Lakin, Legan, Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**: Representatives: Franklin, Troupe, Kelly (27), Kelley (47), Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 277**, entitled:

An Act relating to insurance coverage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 169**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 169, Page 1, Section 42.105, Line 3, by striking the word "Missouri"; and

Further amend said bill, Page 1, Section 42.105, Line 4, by inserting immediately after the word "guard" the following: "**, with preference given to the Missouri national guard,**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 188**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 184**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 275**, entitled:

An Act to repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 237**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 240, 226 and 229**, entitled:

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 10**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 10, Page 1, Section 227.303, Line 1, by striking the following: "within a county of the first"; and further amend line 2, by striking all of said line.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 268**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 189**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 213**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 112**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 17**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 17, Page 1, In the Title, Lines 2 to 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 304.170, RSMo 1994, and section 304.157, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the

following: "Section A. Section 304.170, RSMo 1994, and section 304.157, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 304.157 and 304.170, to read as follows:

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee **or property or security manager** in lawful possession of the real property may authorize a towing company to remove abandoned property **or property parked in a restricted or assigned area** without authorization by a law enforcement officer only when the owner, lessee or [agent] **property or security manager** of the real property is present [and]. **A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made** only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property **or property improperly parked in a restricted or assigned area** will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; **or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or**

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known;**

(2) A description of any damage to the **abandoned** property noted by owner [or lessee], **lessee or property or security manager** in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, **address and phone number** of the owner [or lessee], **lessee or property or security manager** in possession of the real property; [and]

(7) **The towing company's name and address;**

(8) **The signature of the towing operator;**

[(7)] (9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

Further amend said bill, Page 1, Section 304.170, Line 9, by inserting at the end of said line the following: "**Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.**"; and

Further amend said bill, Page 3, Section 304.170, Line 58, by inserting after the phrase "stinger-steered combinations" the following: "**shall include a semitrailer length not to exceed fifty-three feet and**".

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HB 516**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 447**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 139**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Brean Nieman, Lee's Summit.

Senator Wiggins introduced to the Senate, Dee Harkins, Betty Ulschak, Pat Bivins, Marge Griff, Doreen Haake and Ann Patterson, Kansas City; and Kathleen Devine and Mary Kay Masucci, Overland Park, Kansas.

Senator Steelman introduced to the Senate, Green Forest seventh graders.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY--TUESDAY, APRIL 20, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God, Give to us the strength to persist in spite of life's obstacles and help us to see the things of this life through Your eyes. And help us, Oh God, to cherish those treasures that are eternal while helping us give away whatever love, or kindness or faith we can give to another and in so doing, enjoying Your spiritual benefits forever. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 662, regarding Keisha Hamlett, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 663, regarding Elizabeth Eggers, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 664, regarding Lauren Pu, Kennett, which was adopted.

Senator Yeckel offered Senate Resolution No. 665, regarding Professor Shirley Breeze, St. Louis, which was adopted.

Senator Flotron offered Senate Resolution No. 666, regarding Jeffrey J. "Jeff" Baumgartner, Jr., Ballwin, which was adopted.

Senator Flotron offered Senate Resolution No. 667, regarding Nicholas P. "Nick" Smith, Ballwin, which was adopted.

REFERRALS

President Pro Tem Quick referred **HS** for **HB 516**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 32, Section 11.445, Line 29, by deleting the number "151,075,000" and inserting in lieu thereof the number "152,509,423"; and further amend said section, line 30, by deleting the number "295,252,882" and inserting in lieu thereof the number "296,969,520"; and further amend said section, line 33, by deleting the number "659,506,670" and inserting in lieu thereof the number "662,657,731".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 22, Section 11.250, Line 11, by deleting the number "9,515,000" and inserting in lieu thereof the number "9,715,000"; and further amend said section, line 36, by deleting the number "93,425,000" and insert in lieu thereof the number "93,625,000".

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

President Wilson assumed the Chair.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 6, Section 11.050, Line 5, by deleting the number "9,871,188" and inserting in lieu thereof the number "11,037,105"; and further amend said section, by deleting line 9; and

Further amend said bill, page 7, line 5, by deleting the number "795,127" and inserting in lieu thereof the number "806,242"; and further amend said section, line 6, by deleting the number "2,794,529" and inserting in lieu thereof the number "2,805,644"; and further amend said section, by deleting lines 16-17; and

Further amend said bill, section 11.065, line 9, by deleting the number "551,644" and inserting in lieu thereof the number "2,043,372"; and further amend said section, line 10, by deleting the number "2,394,625" and inserting in lieu thereof the number "3,886,353"; and further amend said section, line 12, by deleting the number "4,047,570" and inserting in lieu thereof the number "2,555,842"; and further amend said section, line 14, by deleting the number "11,908,756" and inserting in lieu thereof the number "10,417,028".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Clay--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 12**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and

Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for HCS for HB 12, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was taken up.

Senator Goode moved that SCS for HCS for HB 12 be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, SCS for HCS for HB 12 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Johnson	Kenney
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Graves	Howard	Jacob	Kinder
Mueller	Singleton	Steelman--7	

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1 to HCR 4** and has again taken up and passed **HCR 4**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 24** and **15**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTIONS NOS. 24 and 15

Relating to Missouri's support for a return to the state of any tobacco settlement funds recouped by the federal government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

WHEREAS, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

WHEREAS, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

WHEREAS, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

WHEREAS, the U.S. Department of Health and Human Services has suspended recoupment activities; and

WHEREAS, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

WHEREAS, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

WHEREAS, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medicaid statute must be enacted to exempt tobacco settlement funds from recoupment:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First

Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

Relating to the Risk Management Program of the Environmental Protection Agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, as required by section 112(r) of the federal Clean Air Act, the Environmental Protection Agency has promulgated the Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage; and

WHEREAS, adequate safeguards to meet public safety needs currently exist under federal, state and local regulations; and

WHEREAS, the Environmental Protection Agency's risk management regulations will dramatically increase costs of doing business without increasing safety by: causing customers to switch away from propane, a federally approved clean fuel; duplicating state regulations based upon existing fire protection standards; duplicating federal right-to-know regulations; and not providing a fuel use exemption similar to OSHA's; and

WHEREAS, the EPA's rules cover anyone with more than 2380 gallons of propane on site, regardless of whether or not it is a single tank or connected tanks which could easily be exceeded by individual restaurants, farms and some residences; and

WHEREAS, the costs, which is estimated to exceed one and one-half billion dollars, to the private sector of complying with EPA's regulations will be staggering:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Environmental Protection Agency to not include propane in the Risk Management Program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 29**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 29

Relating to the Packers and Stockyards Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the agricultural markets of the United States are largely controlled by the corporate entities engaged in the processing, handling and marketing of grains and livestock; and

WHEREAS, four companies process nearly fifty percent of the pork produced for retail sale in the United States and four companies produce nearly ninety percent of the beef produced for retail sale in the United States; and

WHEREAS, the pending purchase of the grain unit of Continental Grain Company by Cargill Inc., will create an entity controlling in excess of forty percent of all United States corn exports, thirty-four percent of soybean exports and twenty percent of wheat exports; and

WHEREAS, this level of concentration is a significant factor in the low state of market prices for grain and livestock in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon the Congress of the United States to:

- Investigate and publicize the degree of concentration in the livestock and grain processing industry in the United States and in Missouri;
- Investigate the degree of which processing companies compete or fail to compete for supplies of livestock and grain from farmers, with particular attention to the question of whether these companies have created no-competition zones;
- Provide sufficient personnel and resources for effective enforcement of the federal Packers and Stockyards Act by the United States Department of Agriculture;
- Instruct the United States Department of Justice and the Attorney General of Missouri to work cooperatively on all investigations of anti-competitive practices by livestock and grain processors;
- Instruct the United States Department of Justice and Attorney General of Missouri to investigate the use of packer procurement practices related to forward contracts, marketing agreements and other forms of captive supply, and determine whether these constitute violations of the Packers and Stockyards Act;
- Institute and finance appropriate anti-trust litigation and prosecution to end and prevent anti-competitive practices in the livestock and grain processing industry; and
- Financially support private causes of action that are directed at ending and preventing anti-competitive practices in the livestock and grain processing industry; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, the United States Department of Justice and the Missouri Attorney General.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 30**.

HOUSE CONCURRENT RESOLUTION NO. 30

Relating to publishing of session laws.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that the Joint Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 348** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 248** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Senator Maxwell requested unanimous consent of the Senate to send forward the correct Senate Committee Substitute for **HB 58**, which request was granted.

On motion of Senator DePasco, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

THIRD READING OF SENATE BILLS

SB 359, introduced by Senator Mueller, et al, entitled:

An Act to repeal sections 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.045, 700.050, 700.060, 700.090 and 700.100, RSMo 1994, and section 700.040, RSMo Supp. 1998, relating to manufactured housing, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

On motion of Senator Mueller, **SB 359** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Childers	Mathewson	Scott
Singleton	Stoll--6		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with effective dates.

Was taken up by Senator Johnson.

On motion of Senator Johnson, **SCS** for **SB 351** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	DePasco
Flotron	Graves	Johnson	Kenney
Kinder	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Stoll	Westfall	Wiggins--20
NAYS--Senators			
Banks	Caskey	Clay	Ehlmann
House	Howard	Klarich	Schneider
Sims	Steelman	Yeckel--11	
Absent--Senators			
Goode	Jacob	Mueller--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 371, introduced by Senator Flotron, et al, entitled:

An Act to repeal section 513.653, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Flotron, **SB 371** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey

Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Mueller--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 125, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo 1994, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 125** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Klarich	Rohrbach	Schneider--3	
	Absent--Senator Jacob--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SB 29, introduced by Senator Mueller, entitled:

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Mueller, **SB 29** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 495, introduced by Senator Goode, entitled:

An Act to repeal section 660.122, RSMo Supp. 1998, relating to energy assistance programs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson assumed the Chair.

On motion of Senator Goode, **SB 495** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			
NAYS--Senators			
Graves	Rohrbach--2		
Absent--Senators			
Howard	Jacob	Yeckel--3	

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 94**, introduced by Senator Ehlmann, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to repeal sections 149.011, 149.071 and 570.080, RSMo 1994, and section 570.030, RSMo Supp. 1998, relating to the felony limit for certain crimes, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

On motion of Senator Ehlmann, **SS** for **SCS** for **SB 94** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Bland--1		
	Absent--Senators		
Flotron	Jacob--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SCS for **SBs 328, 87, 100** and **55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 328, 87, 100 and 55

An Act to repeal sections 565.024, 570.010, 570.130, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo

Supp. 1998, relating to the criminal code, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Clay.

On motion of Senator Clay, **SCS** for **SBs 328, 87, 100** and **55** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Flotron	Goode
House	Jacob	Johnson	Mathewson
Maxwell	Quick	Scott	Sims
Staples	Stoll	Wiggins	Yeckel--20
NAYS--Senators			
Childers	Ehlmann	Graves	Howard
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Singleton
Steelman	Westfall--14		
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SS for **SB 455**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 455

An Act to repeal sections 116.060, 116.080, 116.090, 116.110, 116.120, 116.150 and 116.220, RSMo 1994, and sections 116.030, 116.040, 116.100, 116.130, 116.160, 116.170, 116.175, 116.180 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof seventeen new sections relating to the procedures of ballot measures.

Was taken up.

On motion of Senator Stoll, **SS** for **SB 455** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Quick--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SB 70**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 70

An Act to repeal sections 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SS No. 2** for **SB 70** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Quick
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Bland	Flotron	Graves	Klarich
Mueller	Rohrbach	Scott	Sims--8

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 248**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 248

An Act to repeal sections 365.010 and 365.020, RSMo 1994, relating to retail installment contracts, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 248** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SB 248** was declared perfected and ordered printed.

Senator Jacob moved that **SB 429**, **SB 430** and **SB 407**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 429, 430** and **407**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 429, 430 and 407

An Act to repeal section 375.147, RSMo 1994, and section 375.1518, RSMo Supp. 1998, relating to insurance, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SBs 429, 430** and **407** be adopted.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 429, 430 and 407, Page 4, Section 376.1400, Lines 1 through 21, by deleting all of said lines; and

Further amend said bill, Pages 4 and 5, Section 376.1406, Lines 1 through 21, by deleting all of said lines; and

Further amend said bill, Page 5, Section 376.1408, Lines 1 through 12, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Singleton offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 429, 430 and 407, Page 4, Section 376.1400, Line 9, by striking ", but not be limited to,"; and further amend said bill, line 21, by striking "2001" and inserting in lieu thereof the following "2002"; and further amend said bill, page 5, section 376.1406, line 8, by striking ", but not be limited to,"; and

Further amend said bill, line 21, by striking "2001" and inserting in lieu thereof "2002".

Senator Singleton moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Mueller and Russell.

SSA 1 for **SA 1** was adopted by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Wiggins--25			
	NAYS--Senators		
Bland	Flotron	Graves	Mueller
Rohrbach	Westfall	Yeckel--7	
	Absent--Senators		
Banks	Bentley--2		
	Absent with leave--Senators--None		

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 429, 430 and 407, Page 2, Section 303.383, Line 23, by inserting the following after all of said line:

"4. Underinsured motor vehicle coverage shall not require the insured to receive consent of the insurer in order for the insured to settle his or her claim against the owner or operator of an underinsured motor vehicle. However, the insurer shall receive a credit against any judgment based upon its underinsured motor vehicle coverage in the full amount of the limits of all liability policies providing coverage to the owner or operator of the underinsured motor vehicle.

5. An insurer shall have no right of subrogation to recover payment made to an insured under underinsured motor vehicle coverage."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SB 429**, **SB 430** and **SB 407**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Rohrbach moved that **SB 525**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 525**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 525

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes as authorized by constitutional amendment, with penalty provisions and an emergency clause.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 525** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SB 525**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 525

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes as authorized by constitutional amendment, with penalty provisions and an emergency clause.

Senator Rohrbach moved that **SS** for **SCS** for **SB 525** be adopted.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 525, Page 6, Section 313.900, Lines 11-16, by striking said lines and renumbering accordingly.

Senator Flotron moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Flotron, **SA 1** was withdrawn.

Senator Mathewson assumed the Chair.

Senator Rohrbach moved that **SS** for **SCS** for **SB 525** be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Rohrbach, **SS** for **SCS** for **SB 525** was declared perfected and ordered printed.

Senator Caskey moved that **SB 336**, with **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

SA 3 was again taken up.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators Childers, House, Rohrbach and Westfall.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	House	Howard	Jacob
Maxwell	Singleton	Steelman--7	
	NAYS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Stoll	Westfall
Wiggins	Yeckel--26		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

At the request of Senator Caskey, **SB 336**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 291**, as amended, entitled:

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 291, Page 12, Section 452.345, Lines 1 and 2 of said page, by deleting the phrase ", **for a case that is not a IV-D case**,".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 291, Page 65, Section 516.350, Line 15, by inserting after all of said line the following:

"556.036. 1. A prosecution for murder or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years;

(2) For any misdemeanor, one year;

(3) For any infraction, six months.

3. If the period prescribed in subsection 2 has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself **or herself** not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction [under] **pursuant to** section 407.553, RSMo, for purposes of offenses committed [under] **pursuant to** sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of

limitation by more than three years[.]; **and**

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced either when an indictment is found or an information filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 430** and **648**, entitled:

An Act relating to the sole purpose of creating the Missouri tobacco settlement trust fund for certain anti-smoking education and health care services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 780**, entitled:

An Act to repeal sections 116.060, 116.080, 116.090, 116.110, 116.120, 116.150 and 116.220, RSMo 1994, and sections 116.030, 116.040, 116.100, 116.130, 116.160, 116.170, 116.175, 116.180 and 116.190, RSMo Supp. 1998, relating to initiative petitions, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 673**, entitled:

An Act to repeal section 85.011, RSMo 1994, relating to discipline of law enforcement officers, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 133**, entitled:

An Act to repeal section 12.010, RSMo 1994, relating to consent of the state to the acquisition of land by the federal government, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Senator DePasco inquired of the President if there were messages from the Governor.

The President indicated the Senate had messages from the Governor.

Senator Scott raised the point of order that it is out of order to receive Messages from the Governor as the Governor is not in the State to send messages to the Senate.

The point of order was referred to the President Pro Tem, who took it under advisement.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 10**, as amended; **SCS** for **HCS** for **HB 11**, as amended; and **SCS** for **HCS** for **HB 12** and grant the House conferences thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SB 291**, as amended, and request the House to recede from its position and take up and pass the bill, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 348** and grant the House a conference thereon and further that the conferees be allowed to exceed the differences for the purpose of striking the last two lines of the bill, which motion prevailed.

Senator Westfall moved that the Senate refuse to recede from its position on **SCS** for **HB 248** and grant the House a conference thereon, which motion prevailed.

President Pro Tem Quick assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 248**: Senators Scott, Mathewson, Stoll, Westfall and Mueller.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 668, regarding Charles Schorr "Chuck" Betz, Kirkwood, which was adopted.

Senator Staples offered Senate Resolution No. 669, regarding the death of Harold E. Levery, Washington, Illinois, which was adopted.

Senator Bland offered Senate Resolution No. 670, regarding Kansas City Power and Light, which was adopted.

Senator Bland offered Senate Resolution No. 671, regarding the Missouri Association for Blacks in Higher Education, which was adopted.

COMMUNICATIONS

Senator Bentley submitted the following:

April 19, 1999

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building

Jefferson City, MO 65101

Dear Mrs. Spieler:

In accordance with Rule 45, I am requesting that House Bill 724, relating to judgments of involuntary commitment, be removed from the Senate Consent Calendar.

Sincerely,

/s/ Roseann Bentley

Senator Roseann Bentley

30th District

Senator DePasco submitted the following:

April 20, 1999

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Madam Secretary:

Please accept this letter as a request to remove House Bill 58 with Senate Committee Substitute from the Consent Calendar. This bill is controversial in nature and, therefore, does not qualify as a true consent bill.

I appreciate your attention to this matter.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco, Chairman

Rules, Joint Rules and Resolutions Committee

Senator Graves submitted the following:

April 20, 1999

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Terry:

Please accept this letter as a request to remove House Bill 115 to be taken off of the Consent Calendar. This bill is controversial in nature and therefore does not belong as a Consent bill.

I appreciate your attention to this matter.

Sincerely,

/s/ Sam Graves

Senator Sam Graves

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Sandy Higgins and juniors and seniors from Ash Grove High School, Ash Grove; and Shaun Schofield, Bryan Dean, Gina Whitehead and Darin Downs were made honorary pages.

Senator Howard introduced to the Senate, Dempsey and Janice Craft, Erin Baldwin, Samantha Jolly and David Spencer, New Madrid; and Erin, Samantha and David were made honorary pages.

Senator Stoll introduced to the Senate, John and Brad Evans, Festus; and Brad was made an honorary page.

Senator Staples introduced to the Senate, Jennifer Chaligoi, Iris Ross, Alan Kearbey and members of the East Carter County R-2 High School Team Spirit.

Senator Staples introduced to the Senate, students from Viburnum School, Viburnum.

Senator Staples introduced to the Senate, Scott Hughes, Columbia; and Mark Jones, St. Francois County.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Stephen Segall, M.D., Poplar Bluff.

Senator Caskey introduced to the Senate, Roger Howard, Warrensburg.

Senator Mueller introduced to the Senate, Kelly Kimack and Marlise Boyer, St. Louis County.

Senator DePasco introduced to the Senate, sixteen eighth grade students from St. Ann's School, Independence; and Melissa Forcum, Nikki Jo Reed and Mike Rust were made honorary pages.

Senator Singleton introduced to the Senate, Tom Gousch and Ron Langford, Webb City.

Senator Graves introduced to the Senate, Shelly Deen, thirty-three fourth and fifth grade students and eight adults from South Nodaway Elementary School, Guilford.

Senator Maxwell introduced to the Senate, his daughter, Megan, Gina Gilman and twenty-five students from McMillan School, Mexico; and Megan and Emily Terry were made honorary pages.

Senator Maxwell introduced to the Senate, Brandie Baker, Holliday.

Senator Maxwell introduced to the Senate, Charles Rosenkraus, Brenda Vaughn, Marilyn Rosenkraus and Kay Gray, Paris; David Hill, Palmyra; Cyndy Coleman, Holli Coleman and Jacquie Stuart, Perry; Rosalin and Jerry Caldwell, Kirksville; David Penn, Karen Conley, Ken Keller, Marge Keller and Elaine Cornett, Mexico; Dick Wones, Macon; Dolores R. Hampton, Novinger; Joann Sadler, Monticello; Marian Walter, Canton; Jerry Connor, Greentop; Marilyn O'Bannon, Madison; and Andrea Peiter, Shelby.

Senator Sims introduced to the Senate, Sierra Rayford, Brittany Moore, Daneitria Williams, Val Williams and Sharon Williams, St. Louis; and Sierra, Brittany and Daneitria were made honorary pages.

Senator Singleton introduced to the Senate, his daughter, Catherine, and Angela Anderson, Seneca; and Emily and David Drake, Joplin.

Senator Caskey introduced to the Senate, Katie Dyer and forty eighth grade students from Cass-Midway School, Cleveland.

Senator Quick introduced to the Senate, Girl Scout Troop 1904, Clay County.

Senator Flotron introduced to the Senate, Art Busekist and sixteen students from St. Louis; and Daniel Bogard, Lara Hause, Brian McNearney and Meghana Patel were made honorary pages.

Senator Childers introduced to the Senate, Vicki May, Stone County.

Senator Russell introduced to the Senate, Lee Eaton, Paula Childers and forty-one seventh grade students from Joel E. Barber C-5 School, Lebanon; and Kara Childers, Aron Koch and Joe Muscia were made honorary pages.

Senator Bentley introduced to the Senate, forty girls from around the state present for "Take Your Daughter To Work Day".

Senator Flotron introduced to the Senate, forty tenth grade students from Pattonville High School, St. Louis.

Senator Flotron introduced to the Senate, one hundred twenty-five fourth grade students from Highcroft Ridge Elementary School, Chesterfield.

Senator Jacob introduced to the Senate, the University of Missouri-Columbia Athletic Director, Mike Alden; Head Football Coach, Larry Smith; Associate Athletics Director, Sarah Reesman; Associate Director for External Affairs, Mario Moccia; Coordinator for the Tiger Development Fund, Ross Bjork; Head Women's Soccer Coach, Bryan Blitz; and members of the Football Team: Kent Layman, Julian Jones, Carlos Posey, Rob Riti, Jeff Marriott and Barry Odom.

Senator Kinder introduced to the Senate, twenty-six eighth grade students from Immaculate Conception School, Jackson.

On behalf of Senator Wiggins, the President introduced to the Senate, Sean Cutburth, Mario Florido, Daniel Graves and Howard Carney, Kansas City.

Senator Rohrbach introduced to the Senate, Anna Rhoads, Jefferson City; and Anna was made an honorary page.

Senator Bentley introduced to the Senate, David and Nancy Eslick, Springfield.

On behalf of Senator Russell and himself, Senator Childers introduced to the Senate, forty-five seventh and eighth grade students from Skyline R-II School, Norwood.

Senator Singleton introduced to the Senate, Adolfo Castillo, Joplin.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY--WEDNESDAY, APRIL 21, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Merciful and compassionate Father: We pause this morning in needful prayer. Suddenly as important as the debate that takes place and the bills that are passed and defeated here in the Senate may be, they pale in light of the sixteen high school students dead and twenty-three critically wounded in Littleton, Colorado. We once again ask the difficult question of why, while knowing that sin still exists in this world where the thoughtless and purposeful actions of some impact on the lives of others bringing pain and grief in their wake. So we pray for Your mercy and comforting peace for the parents and friends of those who senselessly died yesterday. We pray for Your healing for the wounded and Your consolation on all who feel the pain of what has happened. We pray that the souls of these young people may be taken to Your bosom, there comforted and experiencing Your love for them. And we pray for Your guidance to do what we can to make Missouri a better place in keeping with the establishment of Your kingdom here on earth which we pray we might do our part. All this we ask in Your Holy caring Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 374**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 374

An Act to repeal section 287.203, RSMo 1994, and section 287.160, RSMo Supp. 1998, relating to workers' compensation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 374** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 31, by inserting at the end of said line the following: **"In lieu of an employer receiving an award against the employee for such excess benefits, in the event no award is found due to the employee and benefits were paid by an insurance carrier required to pay a tax pursuant to section 287.690, such insurance carrier shall be eligible to take a credit against the tax otherwise due pursuant to section 287.690 equal to the amount of the excess benefits paid in its return filed pursuant to section 287.710 for the taxable year in which the excess benefits were paid. In no event shall an insurance carrier be eligible to take such a tax credit if the employer receives an award against the employee for the excess benefits."**

Senator Mathewson moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 31, by inserting at the end of said line the following: **"In lieu of an employer receiving an award against the employee for such excess benefits, in the event no award is found due to the employee and benefits were paid by an insurance carrier required to pay a tax pursuant to section 287.690, such insurance carrier shall be eligible to take a refundable tax credit pursuant to section 287.690 equal to the amount of the excess benefits paid in its return filed pursuant to section 287.710 for the taxable year in which the excess benefits were paid. In no event shall an insurance carrier be eligible to take such a tax credit if the employer receives an award against the employee for the excess benefits."**

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 31, by inserting after all of said line the following:

"287.655. Any claim before the division may be dismissed for failure to prosecute in accordance with rules and

regulations **which shall be** promulgated by the commission, except such notice need not be by certified or registered mail if the person or entity to whom notice is directed is represented by counsel and counsel is also given such notice at counsel's last known address. To dismiss a claim the administrative law judge shall enter an order of dismissal which shall be deemed an award and subject to review and appeal in the same manner as provided for other awards in this chapter."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 31, by inserting after all of said line the following:

"287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, the commission, the division or an administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be paid as other costs under this chapter. If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation under this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial

disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X-rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. The provisions of this subsection shall [not] apply to claims against the second injury fund **where the employee offers medical records into evidence, and in that event the state may require the employee to submit to a reasonable medical exam in the manner as provided pursuant to subsection 1 of this section and the state may also introduce medical records pursuant to this subsection.**

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation under this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 18, by inserting after "any." the following: "In such event temporary total disability benefits may be terminated on notice to the employee unless the employee objects. If the employee objects,".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 374, Page 3, Section 287.203, Line 25, by deleting the word "thirty" on said line and inserting the following: "**fifteen**".

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 374, Page 2, Section 287.160, Line 27, by deleting the word "fifteen" on said line and inserting the following: "**thirty**"; and

Further amend said bill, page 2, Section 287.160, line 41, by deleting the word "fifteen" on said line and inserting the following: "**thirty**".

Senator Graves moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Mathewson moved that **SCS** for **SB 374**, as amended, be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Mathewson, **SCS** for **SB 374**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Quick referred **HCS** for **HCRs 24 and 25; HCR 16; HCS** for **HCR 29**; and **HCR 30** to the Committee on Rules, Joint Rules and Resolutions.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended; **SCS** for **HCS** for **HB 11**, as amended; and **SCS** for **HCS** for **HB 12**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 348**: Senators Caskey, Scott, Mathewson, Sims and Bentley.

REFERRALS

President Pro Tem Quick referred **HB 346** and **HB 261** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 492**--Financial and Governmental Organization.

HS for **HCS** for **HBs 718, 225, 876 and 838**--Pensions and General Laws.

HCS for **HBs 192 and 945**--Commerce and Environment.

HB 277--Insurance and Housing.

HCS for **HBs 430 and 648**--Pensions and General Laws.

HCS for HB 780--Elections, Veterans' Affairs and Corrections.

HCS for HB 673--Civil and Criminal Jurisprudence.

HB 133--Agriculture, Conservation, Parks and Tourism.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 525**; and **SCS** for **SB 248**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 672, regarding the Fiftieth Wedding Anniversary of Mr. And Mrs. Charles Garr, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 673, regarding Merl O'Neal, Tina, which was adopted.

Senator Schneider offered Senate Resolution No. 674, regarding Richard H. "Dick" Kellett, Florissant, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 675, regarding Dan S. Mitchell, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 676, regarding the One Hundredth Birthday of Emma Mae Hall Lawson, Camdenton, which was adopted.

PRIVILEGED MOTIONS

Senator DePasco moved that **SCS** for **SBs 240, 226** and **229**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 240, 226** and **229**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 240, 226 AND 229

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator DePasco moved that **HCS** for **SCS** for **SBs 240, 226** and **229**, be adopted, which motion prevailed by the

following vote:

YEAS--Senators			
Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Bland	Clay--4
Absent with leave--Senators--None			

On motion of Senator DePasco, **HCS** for **SCS** for **SBs 240, 226 and 229** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	DePasco
Ehlmann	Flotron	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators			
Graves	Westfall--2		
Absent--Senators			
Banks	Bentley	Clay	Goode--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senator Westfall--1			
Absent--Senators			
Banks	Bentley	Clay	Goode--4
Absent with leave--Senators--None			

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 275

An Act to repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 275** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Bentley--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 275** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Bentley--1
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Goode--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator Scott moved that **SB 10**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Flotron--1		
	Absent--Senator Bentley--1		
	Absent with leave--Senators--None		

On motion of Senator Scott, **SB 10**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Staples moved that **SB 17**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senators--None

On motion of Senator Staples, **SB 17**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Singleton--1
 Absent--Senator Bentley--1
 Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Maxwell moved that **SB 169**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Maxwell, **SB 169**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 366, with **SCS**, introduced by Represen-tative Hartzler (123), entitled:

An Act to repeal section 52.385, RSMo 1994, relating to county collectors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 366**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 366

An Act to repeal section 52.385, RSMo 1994, relating to county collectors, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 366** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 366** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Wiggins	Yeckel--31	
	NAYS--Senator Westfall--1		
	Absent--Senator Staples--1		
	Absent with leave--Senator Sims--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 776, introduced by Representative McBride, entitled:

An Act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

Senator Mathewson assumed the Chair.

On motion of Senator Maxwell, **HB 776** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Russell	Staples--2		
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 795, with **SCS**, introduced by Representatives Kennedy and Crawford, entitled:

An Act relating to electronic transmission of recordings.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 795**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 795

An Act to repeal sections 301.600, 301.610, 301.620 and 301.630, RSMo 1994, and sections 32.080 and 301.640, RSMo Supp. 1998, relating to the keeping of certain electronic records, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **HB 795** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 795** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators Sims--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

HB 464, with **SCS**, introduced by Represen-tative Richardson, entitled:

An Act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 464**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 464

An Act to repeal sections 70.600 and 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 464** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 464** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

HB 514, introduced by Representative Franklin, entitled:

An Act to repeal sections 169.560 and 169.655, RSMo Supp. 1998, relating to the public school and the nonteacher school employee retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 514** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Singleton--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 662, introduced by Representative Crump, entitled:

An Act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 662** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Singleton	Yeckel--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 920, with **SCA 1**, introduced by Representative Farnen, entitled:

An Act to repeal section 173.005, RSMo 1994, relating to an advisory committee of the coordinating board for higher education, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HB 920**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Westfall	Wiggins--31	
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Yeckel--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 778, introduced by Representative Luetkenhaus, entitled:

An Act relating to the educational employees' memorial scholarship.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 778** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Mueller--1			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 282, introduced by Representative Clayton, entitled:

An Act to repeal section 351.448, RSMo Supp. 1998, relating to corporate mergers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 282** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell

Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senator Sims--1

The President declared the bill passed.

 On motion of Senator Wiggins, title to the bill was agreed to.

 Senator Wiggins moved that the vote by which the bill passed be reconsidered.

 Senator Jacob moved that motion lay on the table, which motion prevailed.

 President Wilson assumed the Chair.

 Senator Mathewson assumed the Chair.

HB 445, with **SCA 1**, introduced by Represen-tative Auer, entitled:

An Act to repeal section 383.105, RSMo 1994, relating to reporting certain medical malpractice insurance claims, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

SCA 1 was taken up.

Senator Jacob moved that the above amendment be adopted, which motion failed.

On motion of Senator Jacob, **HB 445** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Russell--1		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

 On motion of Senator Jacob, title to the bill was agreed to.

 Senator Jacob moved that the vote by which the bill passed be reconsidered.

 Senator Scott moved that motion lay on the table, which motion prevailed.

HB 478, introduced by Representatives Ward and Auer, entitled:

An Act to repeal section 375.147, RSMo 1994, relating to the managing general agents act, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 478** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Russell--2		
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 35, with **SCS**, introduced by Represen-tative Campbell, entitled:

An Act to repeal section 92.336, RSMo 1994, relating to the Kansas City convention and tourism tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCS for **HB 35**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 35

An Act to repeal sections 92.327 and 92.336, RSMo 1994, relating to the Kansas City convention and tourism tax, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HB 35** be adopted.

At the request of Senator Johnson the motion to adopt **SCS** for **HB 35** was withdrawn.

HB 834, introduced by Representative Crump, entitled:

An Act authorizing the director of the department of natural resources to convey an easement in Taum Sauk Mountain State Park.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 834** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Kinder	Scott--2		
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Senator Johnson moved that **HB 35**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 35** was again taken up.

Senator Johnson moved that **SCS** for **HB 35** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 35** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
House	Scott--2		
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

HB 708, introduced by Representative Merideth, et al, entitled:

An Act to repeal section 442.586, RSMo 1994, relating to titles and conveyance of real estate, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

Senator Johnson moved that **HB 708** be read the 3rd time and finally passed.

At the request of Senator Johnson, the above motion was withdrawn.

HB 800, introduced by Representative Linton, entitled:

An Act authorizing the director of the department of natural resources to convey various land rights in certain state park property.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 800** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 791, introduced by Representative Wagner, entitled:

An Act to repeal sections 253.081 and 253.090, RSMo 1994, relating to certain state park funds, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Russell.

On motion of Senator Russell, **HB 791** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 853, with **SCA 1**, introduced by Represen-tative Seigfreid, entitled:

An Act to repeal section 89.320, RSMo Supp. 1998, relating to planning commissions of municipalities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **HB 853**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			

Absent--Senators--None
Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 518, with **SCA 1**, introduced by Represen-tative Ross, entitled:

An Act to repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **HB 518**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

HB 570, introduced by Representative Rizzo, entitled:

An Act to repeal section 491.060, RSMo 1994, relating to witness testimony, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 570** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 476, with **SCS**, introduced by Represen-tative Hegeman, entitled:

An Act to repeal section 79.070, RSMo 1994, relating to qualifications of certain city officials, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCS for **HB 476**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 476

An Act to repeal section 79.070, RSMo 1994, relating to fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HB 476** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 476** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider

Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None
 Absent--Senator Quick--1
 Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 528, introduced by Representative Chrismer, et al, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **HB 528** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HB 789, with **SCS**, introduced by Represen-tatives Berkstresser and Bartelsmeyer, entitled:

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

SCS for **HB 789**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 789

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **HB 789** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HB 789** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Rohrbach--1		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson moved that **HB 708** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Johnson requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Johnson offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 708, Page 1, Section 442.586, Line 1, by striking after "442.586." the following: "1."; and

Further amend said bill and section, page 2, lines 16 and 17, by striking the opening "[" and closing brackets "]" on said lines; and

Further amend said bill, section and page, lines 14-20, by striking all of said lines.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **HB 708**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Caskey	Graves	Howard--3	
	Absent--Senator Quick--1		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

HB 930, introduced by Representative Ward, et al, entitled:

An Act to repeal section 8.012, RSMo 1994, relating to the display of the POW/MIA flag, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 930** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

HB 271, introduced by Representative Clayton, entitled:

An Act relating to disclosure of information for medical treatment, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 271** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Bentley--1			
Absent--Senators--None			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

HB 721, with **SCS**, introduced by Represen-tative Barry, entitled:

An Act to repeal sections 199.170, 199.180 and 199.230, RSMo 1994, relating to tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 721**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 721

An Act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 721** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 721** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 893, with **SCA 1**, introduced by Represen-tative Murray, et al, entitled:

An Act relating to the creation of a 911 day.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HB 893**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--29

NAYS--Senator Mueller--1

Absent--Senators

Goode Kinder Quick--3

Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 94, introduced by Representative Clayton, entitled:

An Act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 94** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bentley	Clay	Goode	Quick--4
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

HB 358, introduced by Representative Hosmer, entitled:

An Act to repeal section 191.659, RSMo 1994, and section 191.663, RSMo Supp. 1998, relating to HIV testing, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **HB 358** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			

Clay	Ehlmann	Quick	Scott--4
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

HB 290, introduced by Representative Champion, et al, entitled:

An Act to repeal section 301.445, RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 290** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Ehlmann	Quick--3	
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 517, introduced by Representative Backer, et al, entitled:

An Act to repeal sections 302.136 and 302.138, RSMo Supp. 1998, relating to the motorcycle safety program advisory committee, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 517** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Schneider--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 646, introduced by Representative Hampton, et al, entitled:

An Act to repeal section 304.235, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 646** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 678, introduced by Representatives Leake and Koller, entitled:

An Act to repeal section 389.612, RSMo 1994, relating to the grade crossing safety account, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 678** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider-- 1			
Absent with leave--Senator Sims-- 1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

HB 34, with **SCA 1**, introduced by Represen-tative Auer, entitled:

An Act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mueller.

SCA 1 was taken up.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mueller, **HB 34**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider-- 1			
Absent with leave--Senator Sims-- 1			

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 915, introduced by Representatives Mays (50) and Legan, entitled:

An Act to repeal section 394.120, RSMo 1994, relating to transaction of business at meetings of electric cooperatives, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 915** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Scott	Singleton
Staples--5			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 145, introduced by Representative Wiggins, entitled:

An Act to repeal section 393.285, RSMo 1994, relating to reports to the state water pollution board.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 145** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller

Rohrbach	Russell	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Quick	Schneider	Scott
Singleton	Staples--6		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 216, introduced by Representative Parker, entitled:

An Act to repeal section 701.031, RSMo 1994, relating to disposal of sewage, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

Senator Maxwell moved that **HB 216** be read the 3rd time and finally passed.

At the request of Senator Maxwell, the above motion was withdrawn.

HB 328, introduced by Representative Parker, entitled:

An Act to repeal section 552.030, RSMo 1994, relating to criminal competency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 328** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Rohrbach
Russell	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senator Clay--1		
	Absent--Senators		
Mueller	Quick	Schneider	Staples--4
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 136, introduced by Representative Smith, entitled:

An Act to repeal sections 442.090, 442.095, 442.100 and 474.310, RSMo 1994, and section 211.171, RSMo Supp. 1998, relating to emancipated minors, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 136** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Staples--3	
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HB 216** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **HB 216** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

HB 39, with **SCS**, introduced by Represen-tative Dougherty, entitled:

An Act to repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 39**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 39

An Act to repeal section 701.304, RSMo Supp. 1998, relating to inspections for lead hazard, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 39** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 39** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider-- 1			
Absent with leave--Senator Sims-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senator Sims--1		

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

HB 929, introduced by Representative Griesheimer, entitled:

An Act relating to open burning of household refuse in certain counties.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 929** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Banks	Quick	Schneider	Singleton--4
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

HB 453, introduced by Representatives Gross and May (108), entitled:

An Act to repeal section 610.035, RSMo Supp. 1998, relating to public records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 453** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Westfall--2		
	Absent--Senators		
Banks	Quick	Schneider--3	
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 965, introduced by Representative Riback Wilson, entitled:

An Act to repeal sections 30.953 and 30.965, RSMo Supp. 1998, relating to the Missouri investment trust, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 965** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Howard	Quick	Schneider--4
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 201, introduced by Representative Boucher, entitled:

An Act to repeal sections 191.850, 191.857, 191.858 and 191.859, RSMo 1994, relating to the advisory assistive technology council, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 201** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

HB 568, introduced by Representative May (108), entitled:

An Act to repeal section 213.055, RSMo Supp. 1998, relating to unlawful employment of firefighters and law enforcement officers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 568** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators			
Jacob	Kinder	Mueller	Singleton
Westfall--5			

Absent--Senator Banks--1

Absent with leave--Senator Sims--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 352, with **SCA 1**, introduced by Representative Foley, et al, entitled:

An Act relating to municipal fire departments.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted.

At the request of Senator House, the above motion was withdrawn.

HB 748, introduced by Representatives O'Toole and May (108), entitled:

An Act to repeal section 82.380, RSMo 1994, and sections 57.550, 82.390, 82.520 and 82.599, RSMo Supp. 1998, relating to compensation of certain officers in the city of St. Louis, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 748** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Maxwell	Schneider--3
	Absent with leave--Senator Sims--1	

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

HB 775, with **SCS**, introduced by Represen-tative Hosmer, entitled:

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 775**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 775

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 775** be adopted.

At the request of Senator Bentley, the above motion was withdrawn.

HB 402, introduced by Representative Relford, et al, entitled:

An Act to repeal section 51.155, RSMo Supp. 1998, relating to county clerks, and to enact in lieu thereof two new sections relating to the duties of certain officers in certain counties.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 402** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senator Sims--1		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 796, introduced by Representative Smith, entitled:

An Act to repeal section 205.374, RSMo 1994, and section 205.190, RSMo Supp. 1998, relating to county hospital assets, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 796** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley--2		
Absent with leave--Senator Sims--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Schneider	Singleton--4
Absent with leave--Senator Sims--1			

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 987, introduced by Representative Backer, entitled:

An Act to repeal section 55.041, RSMo 1994, relating to the office of county auditor in certain counties.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 987** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Singleton--3	
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 607, introduced by Representative Riback Wilson, et al, entitled:

An Act to repeal section 191.686, RSMo Supp. 1998, relating to HIV testing, and to enact in lieu thereof one new section for the sole purpose of adding one new HIV testing site.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 607** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Singleton	Staples--3	
Absent with leave--Senator Sims--1			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 248**: Representatives Kissell, Hampton, Murray, Barnett, Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 348**: Representatives Smith, Relford, Davis (122), Ballard, Bartle.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended: Representatives Franklin, Carter, Schilling, Shields, Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**, as amended: Representatives Franklin, Troupe, Kelly, Kelley, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**: Representatives Franklin, Green, Lakin, Legan, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed Representative Leake to the conference committee on **SCS** for **HCS** for **HB 5**, as amended, and to the conference committee on **SCS** for **HCS** for **HB 8** replacing Representative Williams (121).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 275** and has again taken up and passed **SCS** for **HB 275**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 180**, entitled:

An Act relating to the creation of a drycleaning solvent cleanup fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 291**, as amended, and grants the Senate a conference thereon. The Speaker has appointed the following conferees to act with a like committee from the Senate: Representatives Dougherty, Monaco, Hanaway, McClelland and Campbell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 216**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 353**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 261**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 15**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 177**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 321**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 329**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 271**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 334**, entitled:

An Act to repeal section 260.565, RSMo 1994, relating to environmental remediation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 28**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill 28, Page 1, In the title, Line 2, by deleting the following: "section 537.620," and inserting in lieu thereof the following: "sections 537.620 and 537.635,"; and

Further amend said bill, Page 1, In the title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section A. Sections 537.620 and 537.635, RSMo 1994, are repealed and two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the following: "section 537.620," and inserting in lieu thereof the following: "sections 537.620 and 537.635,"; and

Further amend said bill, Page 1, Section 537.620, Line 8, by inserting after all of said line the following:

"537.635. The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his **or her** membership in the association other than his **or her** assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association, **but the association may pay dividends to its members as long as the association has a positive surplus both before and after any such dividend is declared.**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 278**, entitled:

An Act to repeal sections 351.182, 351.459 and 456.120, RSMo 1994, and sections 347.141, 351.245, 351.323 and 351.448, RSMo Supp. 1998, relating to business organizations, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 410**, entitled:

An Act to repeal sections 70.600 and 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 414**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 414, Page 6, Section 142.875, Line 30, by inserting after all of said line the following:

"142.896. 1. Distributors shall be required to post a bond of not less than three months' total liability based on the number of gallons handled as estimated by the director, with a maximum amount of one hundred and fifty thousand dollars for gasoline and diesel fuel separately.

2. The tax on the motor fuel imported shall not be considered part of potential liability for calculation of the bond required of a distributor's license if the nonexempt motor fuels meet the following conditions:

(1) All of the motor fuel is subject to one or more tax precollection agreements to remit the motor fuel tax of this state to the supplier or permissive supplier as trustee with respect to the imports, as provided [under] **pursuant to** section 142.839; and

(2) The director has determined that all border states have adopted terminal reporting requirements adequate for the mutual enforcement of this chapter.

3. If a distributor qualifies [under] **pursuant to** subsection 3 of section 142.851 and was not required to have a bond posted [under] **pursuant to** the predecessor act, then such distributor may elect to either post the bond as set out in this subsection or participate in a cash bond as set out below. The cash bond shall be held by the director in a "Motor Fuel Bond Trust Fund", which is hereby created, for the benefit of the participating distributors. The bond shall be used solely for the purpose of preventing a loss to the state for motor fuel taxes, surcharges and fees not paid. No distributor shall have any claim or rights against the fund as a separate person. Contributions to the fund will be made at the rate [of one-fourth of one percent of the prevailing motor fuel tax rate until such fund equals one-fourth of one percent of the prior year's motor fuel tax collections] **as defined in regulations promulgated by the director of the department of revenue**. Contributions will be remitted by the participating distributors through the suppliers under the same

procedures as set out for remitting of motor fuel taxes set out in this chapter. The director shall notify the suppliers of which distributors have elected to participate, when the contributions are required and when the fund has reached its maximum. At that time no further contributions will be required until the fund has been depleted to [one-eighth of one percent of prior year's motor fuel tax collections] **the minimum amount established by regulation**, at which time the director shall notify the distributors and suppliers to resume contributions at the [above] **defined** rate. In the event the director has made a demand for payment from a participating distributor in this fund, and such demand has not been satisfied within ninety days, the director shall use the cash bond to satisfy the delinquency. Such action shall not affect the liability of the distributor for the tax or prevent the director from taking other actions permitted by this chapter.

4. After the expiration of three consecutive years of satisfactory tax compliance, as determined by the director, a licensed distributor will be eligible to participate in the pool bond in lieu of furnishing any other type of bond. The licensed distributor will be required to pay into the pool bond for a minimum of one year regardless whether the pool bond has reached its maximum or not.

5. The director shall compile a monthly report of all activities regarding the motor fuel bond fund including the name and license number of all licensees who have had a claim made against them, and the report shall be made available to pool members.

6. A distributor is required to remit the tax due on the last day of the succeeding month and file reports prescribed by the director.

7. Each licensed distributor shall report such information as required by the director including, but not limited to imports of motor fuel, exports of motor fuel, blending of motor fuels, all receipts of motor fuel, all receipts and sales of dyed fuel, all receipts and sales of tax- free undyed kerosene and the transporting of motor fuel or blend stocks for or on behalf of others.

8. The report required by this section shall be due on the last day of each month with respect to information required for the next preceding calendar month."; and

Further amend said bill, Page 8, Section 142.908, Line 15, by inserting after all of said line the following:

"Section 1. The director of the department of revenue or any person designated by the director may conduct investigations as necessary to enforce the provisions of this chapter.

Section 2. The director of the department of revenue may prescribe forms upon which reports are made to the director and all other forms and information the director deems necessary to enforce the provisions of this chapter, and may require periodic submission of information from any person dealing in, transporting or storing motor fuel.

Section 3. A person who violates any provision of this chapter, including, but not limited to the failure to obtain required licenses or permits, or fails to keep records as prescribed herein, or neglects, fails or refuses to allow the director, the director's authorized agents or the Missouri highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to pay the tax due is guilty of a misdemeanor and may be punished as prescribed by law. Any person who violates any of the provisions of this section with the purpose to defraud is guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 120**, entitled:

An Act to repeal section 143.124, RSMo Supp. 1998, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62** and **579**, entitled:

An Act to repeal sections 1.160, 56.066, 149.011, 149.071, 191.225, 302.250, 374.700, 374.750, 374.755, 544.020, 544.170, 565.006, 565.020, 565.024, 565.030, 565.032, 565.050, 565.060, 565.070, 566.010, 570.020, 570.030, 570.080, 570.120, 573.504, 575.110 and 595.035, RSMo 1994, and sections 195.017, 195.214, 195.246, 211.073, 211.321, 302.020, 302.060, 302.130, 302.171, 302.181, 302.302, 302.304, 302.309, 302.321, 374.715, 552.040, 558.019, 558.046, 559.115, 571.030, 589.400, 595.209 and 610.122, RSMo Supp. 1998, relating to crimes and punishment, and to enact in lieu thereof ninety-five new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 677, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George W. Huddleston, Jr., Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 678, regarding Benjamin Joseph Rudolph, Eureka, which was adopted.

Senator Stoll offered Senate Resolution No. 679, regarding Nicholas Phillip Kliensorge, Arnold, which was adopted.

Senator Ehlmann offered Senate Resolution No. 680, regarding Eric R. Linge, Jr., O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, forty-six fifth grade students from Oak Hill School, St. Louis; and Allie Busch, Mimi Hess, Nancy Murphy and William Wright were made honorary pages.

Senator Flotron introduced to the Senate, Melanie and Taylor Hiemenz, St. Louis; and Taylor was made an honorary page.

Senator Sims introduced to the Senate, students from Lady of the Pillar, St. Louis.

Senator Stoll introduced to the Senate, fourth grade students from Antonia Elementary School, Imperial; and Nichole Sevier, Jessica Schmaltz and Leah Jelinek were made honorary pages.

Senator Graves introduced to the Senate, Tim Hastings, Dave Snead, Kevin Rosenbohm, Dwayne Helzer, Kate Kenny, Sue Stiens, Brenda Peter and twenty-six eighth grade students from Nodaway-Holt Middle School, Maitland.

On behalf of Senator Caskey, the President introduced to the Senate, the Pleasant Hill High School Debate Team, Pleasant Hill; and Michelle Flynn and Christi Shoemaker were made honorary pages.

Senator Mueller introduced to the Senate, Pachyderm members from around the state.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Stephen Segall, M.D. and his wife, Nancy, Poplar Bluff.

Senator Staples introduced to the Senate, Jim Hill, Reynolds County.

Senator Howard introduced to the Senate, Tracy Tittle, Sikeston; Tracy Handley, New Madrid; Susan Kimball, Lilbourn; Louise Clark, Bloomfield; Ruby Wilson, Malden; Melissa Keirse, Dexter; and Pat Elledge, Wappapello.

Senator Howard introduced to the Senate, Sarah Crouthers, Jennifer Landers, Jennifer Terrill and Amy Cole; and Sarah, Jennifer, Jennifer and Amy were made honorary pages.

Senator Caskey introduced to the Senate, Pat, Ray and Rob Myers and Denise Wittkopp, Belton; Cynthia Myers, Cleveland; Roy Jenkins, Kansas City; and former State Representative Jan Martinette, Grandview.

Senator DePasco introduced to the Senate, Scott, Anita, Polly, Seth, Sarah, Abigail, Hannah and Adam York, Homeschoolers from Independence; and Sarah, Abigail, Hannah and Adam were made honorary pages.

Senator Bentley introduced to the Senate, Dr. Steve Rice, Springfield.

Senator Yeckel introduced to the Senate, Laura Howard, Scott Akerson and forty fifth grade students from Salem Lutheran School, St. Louis; and Kristen Fulmer, Ricky Mattingly, Sarah Larson and Tim Thomas were made honorary pages.

Senator Kenney introduced to the Senate, Carol Headley, Lee's Summit; Dee Boucher, Kansas City and members of the Prairie Chapter of Daughters of American Revolution; and Brooke Catherine Little, Dylan Michael Little, Erin Elizabeth Little, Jessica Swicegood, Matthew McCormick, Stacy Brunssen and Hannah Mathews were made honorary pages.

Senator Graves introduced to the Senate, Nancy, Thomas and Katherine Summers, Unionville; and Thomas and Katherine were made honorary pages.

Senator Rohrbach introduced to the Senate, Stanley Serck, Boonville.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY--THURSDAY, APRIL 22, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful God: You have placed within us a special homing instinct that leads us back to our families and our homes as well as to Your loving throne. May we, this weekend, live our lives so that we feel at home with the people You have given us to love. May we allow ourselves to be loved, by those You have blessed us by a Father's providence. And may we cherish the fellowship of the Lord's own people as we stand and pray together in Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 681, regarding Joshua Charles "Josh" Bogart, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 682, regarding Nathan Randall Bogart, Lee's Summit, which was adopted.

Senator House offered Senate Resolution No. 683, regarding Ronald J. Houle, St. Charles, which was adopted.

Senator Wiggins offered Senate Resolution No. 684, regarding Michael Scott Hokenson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 685, regarding Andrew Tyler "Andy" Wycoff, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 686, regarding Benjamin John "B.J." Gemmer, Raytown, which was adopted.

Senator Wiggins, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 687

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Lawrence Joseph McAuliffe, of Kansas City and Overland Park, Kansas; and

WHEREAS, Mr. McAuliffe, a native of Kansas City, attended St. John's Seminary in Kansas City and graduated from De LaSalle High School before serving with the United States Merchant's Marines in World War II; and

WHEREAS, Mr. McAuliffe was a locomotive engineer with the Frisco Railroad, now part of Burlington Northern Sante Fe Railroad, for over 40 years before his retirement; and

WHEREAS, Mr. McAuliffe was active in various community offices and was a widely admired and respected member of the Ancient Order of Hibernians and was a member of International Brotherhood of Locomotive Engineers; and

WHEREAS, Mr. McAuliffe was a longtime active member of Cure of Ars Catholic Church and St. Patrick's Church, Laurie, Missouri, at the Lake of the Ozarks; and

WHEREAS, Mr. McAuliffe was the brother of Bishop Michael Francis McAuliffe, widely known and highly respected Bishop of the Diocese of Jefferson City, Missouri; and

WHEREAS, Mr. McAuliffe, was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of Lawrence Joseph McAuliffe, express their appreciation for his lifetime of good citizenship and his contributions to his church and to the State of Missouri and extend to his wife Mrs. Mildred Boylan McAuliffe, his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mrs. Mildred McAuliffe, sons, Lawrence John McAuliffe, Thomas Michael McAuliffe, daughter, Patricia Ann Akright, brothers Bishop Michael Francis McAuliffe, John D. McAuliffe, William R. McAuliffe, and the Ancient Order of Hibernians.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 688

WHEREAS, the members of the Missouri Senate were deeply saddened by the recent death of Norman P. Gordon of Kansas City, Missouri, on April 19, 1999; and

WHEREAS, a St. Louis native, Norman Gordon earned Bachelor's and Law degrees at Saint Louis University as the start of a long and esteemed legal career that would last more than six decades; and

WHEREAS, in 1933 Norman Gordon moved to Kansas City to work for the law firm of Scarritt, Jones & North where he became a partner and then senior partner who enjoyed the evolution of the firm into Scarritt, Jones & Gordon and then Gordon, Gordon & Lasley, P.C., which includes his sons Thomas and John as shareholders and which can trace a direct lineage of operation back to the original Scarritt & Scarritt in 1881; and

WHEREAS, Norman Gordon was married for thirty-five years to Dorothea Shuford Gordon of St. Louis, a union which produced four wonderful children and many lovely memories prior to her untimely death in 1970; and

WHEREAS, a later marriage to Mary Elizabeth "Libby" Whitaker added her seven children to Norman Gordon's extended family and lasted for twenty-seven years until he passed on to his heavenly reward; and

WHEREAS, a participant in that "most noble and worthwhile pursuit" of law, Norman Gordon actively maintained membership in The Missouri Bar Association and the Kansas City Metropolitan Bar Association and received much recognition for the other pursuits to which he was devoted, including the Boy Scouts of America, the United Way, Kansas City Orphans Home, Avila College, and Rockhurst College, where he attained the rank of Associate Professor of Speech; and

WHEREAS, Norman Gordon was a devout Catholic who worshiped at Visitation Parish, was founder and first president of the Sierra Club of Kansas City, served as first chairman of the Confraternity of Christian Doctrine for the Catholic Diocese of Kansas City, and enjoyed the distinction of having been knighted by Pope Pius XII as a Knight of St. Gregory the Great:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to extend our sincere condolences to the family, friends, and colleagues of the late Norman Gordon during this difficult time of sorrow and loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Norman P. Gordon, a highly skilled practitioner of law.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 689

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Mary Ann Ewert, who was baptized into the Hope of Christ's Resurrection on March 30, 1999; and

WHEREAS, a native of Coffeyville, Kansas, Mary Ann Ewert grew up in Abilene, attended the University of Kansas and Kansas State University, and went on to complete all the stringent requirements necessary to receive her degree from Mid-America Nazarene College; and

WHEREAS, the founder of Together Grandview, a community task force for drug abuse prevention in the Grandview schools, Mary Ann Ewert was honored by the mayor and board of aldermen as the recipient of the 1989 Grandview Citizen of the Year award for her staunch commitment to serving area youth; and

WHEREAS, Mary Ann Ewert touched the lives of countless Missouri youngsters as co-chairman of the After Prom party for Grandview High School students; as president of the High Grove Elementary School Parent Teacher Association; and as co-founder of the Grandview Association for the Gifted; and

WHEREAS, the Governor's appointee to the Missouri Advisory Council on Alcohol and Drug Abuse, Mary Ann Ewert played an important role in the war on drugs as a founding board member of the Missouri Association of Community Task Forces (MoACT); as secretary and interim executive director of Heart of America Teen Challenge; and as a participant in the writing of the President's 1995 Substance Abuse Policy; and

WHEREAS, a devout member of the Grandview Assembly of God, Mary Ann Ewert leaves behind to cherish her memory her devoted husband, Dr. Henry R. Ewert; her five children, Brent R. Ewert, Annette Cates, Kurt H. Ewert, Amy Boehringer, and Jacob A. Ewert; her brother, Reuben McCormack; her stepbrother, Donald Duffy; her stepsister, Adrienne Cimes; and her seven grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Mary Ann Ewert, a remarkable woman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Dr. Henry R. Ewert, as an expression of our deepest sympathy.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 690

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of a long time highly respected Kansas City physician, Dr. John H. Mayer, Jr.; and

WHEREAS, Dr. Mayer was born in Kansas City and graduated from Rockhurst High School, and obtained his medical degree at Cornell University, then received his specialty training from Barnes Hospital, St. Louis; and

WHEREAS, Dr. Mayer served in the United States Army during World War II, serving at the rank of Captain; and

WHEREAS, Dr. Mayer established a practice in cardiovascular and thoracic surgery in Kansas City with lifelong affiliations with almost all of Kansas City's area hospitals; and

WHEREAS, Dr. Mayer was a clinical professor of surgery at the University of Missouri, president of staff at St. Mary's Hospital and General Hospital and president of the Jackson County Medical Society; and

WHEREAS, Dr. Mayer was active in professional, civic and community affairs too numerous to mention in this resolution; and

WHEREAS, Dr. Mayer's son Mike, served as campaign chairman for our colleague from the 10th district, Senator Harry Wiggins, who is a long time personal friend of the family; and

WHEREAS, Dr. Mayer was preceded in death by a son, John H. Mayer III, and is survived by his loving wife, Jane Dugan Mayer, son Michael F. Mayer and wife, Jacqueline, son, A. Christopher Mayer and wife Lisa, daughter, Cassandra Jane Earle and husband William, daughter Katherine M. Rudloff and husband Eugene, daughter Mary Pat Urra and husband Gus, daughter-in-law, Paula D. Mayer, eighteen grandchildren, and thirteen great-grandchildren;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, pause in their deliberations to salute the memory of a distinguished Kansas Citian, Dr. John H. Mayer, Jr. express their appreciation for a lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and to his fellow human beings, and express most sincere sympathy on his death to his family and many friends; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies for the family of Dr. John J. Mayer, Jr.

HOUSE BILLS ON THIRD READING

HB 857, introduced by Representative Monaco, et al, entitled:

An Act to repeal section 513.430, RSMo 1994, relating to property exempt from attachment, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **HB 857** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Wiggins	Yeckel--30		
NAYS--Senator Westfall--1			
Absent--Senators			
Clay	Johnson	Schneider--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HCS** for **SCS** for **SBs 240, 226 and 229**; and **HCS** for **SCS** for **SB 275**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 374**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SBs 240, 226 and 229**; and **HCS** for **SCS** for **SB 275**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 291**, as amended: Senators Caskey, Quick, Mathewson, Sims and Bentley.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 75, SB 381 and SB 204**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBS 75, 381 and 204** was again taken up.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 3, Section 136.300, Line 4 of said page, by inserting immediately after said line the following:

"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of

receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(4) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(5) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(6) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(7) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(8) "Research or experimentation activities", activities directed toward the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(8)] **(9)** "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(9)] **(10)** "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and

computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance tele-communications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

[(10)] **(11)** "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020;

[(11)] **(12)** The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require;

[(12)] **(13)** "Telecommunications service", for the purpose of chapter 144, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill:

(a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the [telecom-munication] **telecommunications** service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

[(13)] **(14)** "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010, RSMo.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".; and

Further amend said bill, Page 9, Section 144.030, Line 283, by inserting immediately after the word "section" the following: ";

(37) Tangible personal property purchased for use or consumption directly or predominantly in research or experimentation activities"; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 7, Section 144.030, Line 3, by inserting after the word "consumption" on said line the following ", equipment, machinery, and components thereof used by any entity which is at least fifty-one percent owned by a Missouri family or families in the harvesting and production of timber and wood products including transportation equipment provided such transportation equipment does not provide in excess of ten percent of the gross revenue of such entity".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 1, Section A, Line 5, by inserting after all of said line the following:

"67.1720. 1. As used in this section, "phosphorus-containing product" means any product sold in this state which contains more than one-tenth of one percent, by weight, of elemental phosphorus, excluding any product which is primarily intended for use as a fertilizer for agricultural production, as determined by the department of agriculture by rule.

2. The governing body of any county may impose, by ordinance or order, a sales tax on all retail sales of phosphorus-containing products made in such county which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo.

3. The maximum rate for a sales tax pursuant to this section shall be one percent.

4. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.

5. Such proposal shall be submitted in substantially the following form:

Shall the county of impose a sales tax of (insert amount) on the sales of phosphorus-containing products for the purpose of improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall not impose the sales tax authorized in this section until the governing body of the county resubmits another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however, no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

6. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 4 of this section within such county for so long as the tax shall remain in effect.

7. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 4 of this section within the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or funds.

8. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund".

9. The moneys in the local wastewater treatment sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public.

10. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax. Such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 4 of this section in the ordinance or order adopted by the governing body submitting the tax to the voters.

11. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties.

12. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

13. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

14. For purposes of this section, the term "wastewater treatment and water pollution abatement" is limited to

the following:

- (1) Establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities;**
- (2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and**
- (3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to chapter 644, RSMo."; and**

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Staples offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Pages 27-33, Section 306.016, Line 25, by deleting all of said section and amending the title accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 33, Section 306.017, by deleting the entire section; and further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 4** is out of order in that it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott assumed the Chair.

SA 4 was again taken up.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Staples moved that **SA 4** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Rohrbach, Sims and Westfall.

SA 4 was adopted by the following vote:

YEAS--Senators

Bentley	Clay	DePasco	Ehlmann
Graves	Howard	Johnson	Kenney
Klarich	Mathewson	Mueller	Quick
Russell	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--20
	NAYS--Senators		
Caskey	Childers	Flotron	Goode
House	Jacob	Kinder	Maxwell
Rohrbach	Schneider	Singleton	Westfall--12
	Absent--Senators		
Banks	Bland--2		
	Absent with leave--Senators--None		

Senator Stoll offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 34, Section 2, Line 19 of said page, by inserting after all of said line the following:

"Section 3. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 22, Section

144.190, Line 20 of said page, by inserting after all of said line the following:

"144.518. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, and sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of commercial, coin-operated amusement and vending machines."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 34, Section 2, Line 19, by adding after said line, the following:

"Section 1. As used in this section, the following terms shall mean:

"(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;

(2) "Director", the director of the department of economic development;

(3) "Scholarship charity", a charitable organization in this state that is exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code, as amended, and that allocates at least ninety percent of its annual revenue for educational scholarships to children to allow them to attend a qualified school. For purposes of this section, the phrase "qualified school" means any elementary or secondary school of a child's parents' choice which is situated in this state and does not discriminate on the basis of race, color, handicap, national origin or ancestry which a child may attend to meet the requirements of section 167.031, RSMo. To qualify as a scholarship charity the charitable organization shall provide educational scholarships to students without limiting availability to students attending a particular school and shall give preference to students of families who demonstrate financial need;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer

pursuant to the provisions of chapter 143, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a scholarship charity. However, the tax credit shall not be allowed if the taxpayer designates the taxpayer's donation for the direct benefit of any dependent of the taxpayer.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution to a scholarship charity in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which charities in this state may be classified as scholarship charities. The director may require of a charity seeking to be classified as a scholarship charity whatever information is reasonably necessary to make such a determination. The director shall classify a charity as a scholarship charity if such charity meets the definition set forth in subdivision (3) of subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a charity has been classified as a scholarship charity, and by which such taxpayer can then contribute to such scholarship charity and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to scholarship charities in any one fiscal year shall not exceed five million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all charities classified as scholarship charities. If a scholarship charity fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those scholarship charities that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered SA 8:

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 75, 381 and 204, Page 19, Section 144.030, Line 20 of said page, by inserting immediately after the word "room" the following: ";

(38) All admission fees charged for hunting or taking of domestically raised pheasant, partridge, quail and ungulates on licensed shooting areas permitted by the Missouri department of conservation, and all sales of feed and equipment used in the domestic production of pheasant, partridge, quail and ungulates by holders of a class I wildlife breeders permit issued by the Missouri department of conservation."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins moved that **SS** for **SCS** for **SBs 75, 381 and 204**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SS** for **SCS** for **SBs 75, 381 and 204**, as amended, was declared perfected and ordered printed.

PRIVILEGED MOTIONS

Senator Howard moved that **SB 410**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 410**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 410

An Act to repeal sections 70.600 and 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Howard moved that **HCS** for **SB 410** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

On motion of Senator Howard, **HCS** for **SB 410** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

Senator Mueller moved that **SB 28**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Mueller moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Mueller, **SB 28**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Steelman
Yeckel--33

Stoll

Westfall

Wiggins

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klarich moved that **SB 278**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 278**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 278

An Act to repeal sections 351.182, 351.459 and 456.120, RSMo 1994, and sections 347.141, 351.245, 351.323 and 351.448, RSMo Supp. 1998, relating to business organizations, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **HCS** for **SB 278** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Jacob	Mueller	Singleton--3
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Absent with leave--Senators--None

On motion of Senator Klarich, **HCS** for **SB 278** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Mueller	Singleton--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SCS** for **SB 334**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 334**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 334

An Act to repeal section 260.565, RSMo 1994, relating to environmental remediation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS** for **SCS** for **SB 334** be adopted.

At the request of Senator Mathewson, the above motion was withdrawn.

Senator Stoll moved that **SB 414**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Stoll moved that the above amendment be adopted.

At the request of Senator Stoll, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SJR 17**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SBs 392, 393 and 267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 888**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HB 450**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 595**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 28**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, the safe generation, transfer, storage and disposal of hazardous waste is vital to the well-being of the state of Missouri; and

WHEREAS, emergency response to hazardous substance spills and releases, maintenance of contaminated real estate through the hazardous waste registry system, and participation in state and federal cleanups of sites contaminated by hazardous wastes is necessary to protect the health of Missouri's citizens and environment; and

WHEREAS, the Hazardous Waste Fund and the Hazardous Waste Remedial Fund are the primary means of funding the above mentioned activities, and with the balances of these funds falling and in danger of potentially not being able to adequately support necessary services in the future; and

WHEREAS, the hazardous waste generation, transfer, storage and disposal industries which contribute to the Hazardous Waste Fund and Hazardous Waste Remedial Fund enhance the economic well-being of the state of Missouri; and

WHEREAS, the fees imposed on the hazardous waste generation, transfer, storage and disposal industries should be fair and equitable; and

WHEREAS, the Department of Natural Resources and the industry have been unable to reach an agreement as to how to adequately fund the Hazardous Waste Fund and Hazardous Waste Remediation Fund; and

WHEREAS, an in-depth study needs to be conducted to determine what measures need to be taken to ensure that the Hazardous Waste Fund and Hazardous Waste Remedial Fund are sufficient to meet the obligations and provide the required services to the public, environment and the hazardous waste generation, transfer, storage and disposal industries:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that the committee conduct an in-depth study and make appropriate recommendations concerning appropriate funding of the Hazardous Waste Fund and the Hazardous Waste Remedial Fund, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the First Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research, and House Research provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, since 1988, over seven hundred law enforcement officers throughout the United States have been killed in the line of duty and in addition over six hundred have been killed in duty-related accidents and over six hundred thousand officers have been assaulted; and

WHEREAS, while progress is being made in fighting crime, violence remains a serious threat to those officers who have sworn to protect society; and

WHEREAS, these heroic men and women of our law enforcement agencies who face danger every day and their fallen colleagues come from many different backgrounds; and

WHEREAS, we the members of the Ninetieth General Assembly believe these heroes who fought and died for the strongly held principles of law and order and whose sacrifices have made a difference to each and everyone of us should be honored in some significant way; and

WHEREAS, the U.S. Postal Service issues commemorative stamps which honor deceased heroes and we believe there are no greater heroes than our fallen law enforcement officers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Postal Service to issue a commemorative stamp honoring all law enforcement officers who have been killed in the line of duty; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution to be sent to the Citizens' Stamp Advisory Committee, c/o Stamp Management, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474EB, Washington, DC 20260-6756.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCR 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached,

do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 19

WHEREAS, through the "Share the Harvest" program, hunters donate approximately thirty thousand pounds of venison annually to those in need; and

WHEREAS, through the generosity of these hunters, seventy-seven approved charitable organizations, spread throughout the state of Missouri, have received venison to distribute to needy families and individuals; and

WHEREAS, deer is a valuable source of protein but is unusually low in fat and many families and individuals have no dependable source of protein in their diets; and

WHEREAS, the program is a safe and healthy way for these individuals to get protein in their diet, because all participating deer processors must be licensed by the Department of Conservation and inspected by the United States Department of Agriculture; and

WHEREAS, the hunter normally pays the processing fee and more hunters would donate more venison to more needy families, if there were other sources of funds to pay the processing cost:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call for the Missouri Department of Conservation and the Department of Social Services to develop a partnership with the private sector to provide funds to pay for the processing costs for those hunters who donate their venison to charity through the "Share the Harvest" program; and

BE IT FURTHER RESOLVED that the Department of Conservation actively promote the Share the Harvest Program in coordination with the Conservation Federation of Missouri and other organizations to provide additional awareness of the opportunities to donate processed venison to charitable organizations and the availability of funding of processing costs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the directors of the Missouri Department of Conservation and the Department of Social Services.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCR 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, at the general election of 1992, seventy-five percent of Missouri voters adopted a measure to limit the terms of members of the Missouri General Assembly; and

WHEREAS, all legislators elected after 1992 are limited to a maximum of eight years, or four terms, in the Missouri House of Representatives, and eight years, or two terms, in the Missouri Senate; and

WHEREAS, while the merits of legislative term limits can and will be debated by numerous citizens and interested parties, there is no question: that term limits are part of the Missouri Constitution; that this law has already shortened the terms of some Missouri legislators; and that these limits will produce substantial repercussions on state government in the foreseeable future; and

WHEREAS, it would be a responsible and prudent action to prepare for the impending impact of legislative term limits; and

WHEREAS, it should be determined whether term limits will affect the balance of power between the legislative, executive and judicial branches,

and if so, what measures should be taken to preserve the strength of the legislative branch; and

WHEREAS, it should also be determined whether term limits are likely to lead to an increased influence for state government employees and governmental consultants, or lobbyists, and, if so, if any preparations should be made to counteract this increased influence; and

WHEREAS, because of term limits, the citizen-members of the Missouri General Assembly will be expected to assume leadership positions and committee chairmanships at a faster rate than is currently expected even though they will have less time to study issues or learn the legislative process; and

WHEREAS, the potential impact on urban, suburban and rural issues and representation should be studied; and

WHEREAS, it could be of great assistance in preparing for the impact of term limits if ideas, recommendations and information could be garnered from present and former legislators, political scientists, interested citizens and scholars who have previously studied this issue and are familiar with term limit ramifications in other states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Legislative Term Limits be created to study the likely effects of term limits and to make recommendations on how best to prepare for the impact of term limits; and

BE IT FURTHER RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro Tem of the Senate, with no more than three House members or three Senate members being from the same political party and with at least two House members and two Senate members first being elected in or prior to November 1994 and at least one House member and one Senate member first being elected after November 1994; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 401**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **HCS** for **HB 490** and **HCS** for **HB 308**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 542**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 191**, begs leave to report that

it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 852**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 701**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS** for **HBs 316, 660 and 203**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HS** for **HCS** for **HBs 246 and 405**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 541**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 889**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HBs 603, 722 and 783**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following

report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **HCS** for **HB 780**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 793**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 368**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 64**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HB 454**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HCS** for **HB 348** be allowed to exceed the differences for the purpose of striking the last two lines of the bill.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 723**, entitled:

An Act to repeal sections 137.130, 302.138, 302.177, 302.735, 303.041, 304.012, 304.235, 307.020, 307.353, 307.355, 307.360, 307.365, 577.014, 577.048 and 643.315 RSMo 1994, and sections 136.055, 137.115, 301.025, 301.140, 301.191, 302.020, 302.060, 302.138, 302.171, 302.173, 302.181, 302.302, 302.304, 302.321, 302.341, 302.505, 302.510, 302.520, 302.541, 303.024, 303.026, 307.366, 307.375, 577.012, 577.020, 577.021, 577.023, 577.037, 577.039, 577.041 and 577.049, RSMo Supp. 1998, relating to motor vehicle safety, responsibility and licensure, and to enact in lieu thereof sixty-eight new sections relating to the same subject with penalty provisions, effective dates and an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 599**, entitled:

An Act to repeal sections 375.1202, 375.1205, 375.1220, 379.316, 379.321 and 379.425, RSMo 1994, and section 379.888, RSMo Supp. 1998, relating to insurance administration, and to enact in lieu thereof eight new sections relating to the same subject, with a contingent termination date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 152**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 479**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 424**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 83**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 443**.

Emergency clause adopted.

Bill ordered enrolled.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SBs 240, 226 and 229**; and **HCS** for **SCS** for **SB 275**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 691, regarding Porter Wagoner, Nashville, Tennessee, which was

adopted.

Senator Russell offered Senate Resolution No. 692, regarding Jarrett "Jerry" Conkin, Mountain Grove, which was adopted.

Senator DePasco offered Senate Resolution No. 693, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Mancuso, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Fay Koger, Debby Dawson, Richard Renick, Venetia Copeland and thirty-two fifth, sixth, seventh and eighth grade students from Roscoe School, Roscoe.

Senator Rohrbach introduced to the Senate, Shelley Sloca, Jefferson City; and Shelley was made an honorary page.

Senator Caskey introduced to the Senate, Garnet Dwyer, Sheila Fischer, Peggy Schenker, Tina Rapp and students from Zion Lutheran School, Rockville; and Krista Fischer, Mallory Schenker, Sarah Rapp, Suzanne Jagels and Shelley Slider were made honorary pages.

Senator Mueller introduced to the Senate, sixty-six fourth grade students from Tillman Elementary School, Kirkwood; and Joshua King, Lisa McKeague, D.J. Eagleton, Jonathan Lewis, Corey Hamlett, Kevin Hopfer, Kirsten Mills and Austin Olson were made honorary pages.

Senator Flotron introduced to the Senate, eighty fourth grade students from Carrollton Oaks Elementary School, Bridgeton.

Senator Bland introduced to the Senate, Ms. Carole Ladd and fourth grade students from Wendell Phillips School, Kansas City; and Marisa Nelson, Mark Dean, Eranne Whitters and Dishaun Phillips were made honorary pages.

Senator Graves introduced to the Senate, Dana Macoubrie and forty sixth grade students from Chillicothe.

Senator Sims introduced to the Senate, sixty fourth grade students from Briarcrest School, St. Ann.

Senator Schneider introduced to the Senate, fifty fourth grade students from Halls Ferry Elementary School, Florissant; and Chelsi Ferguson, Terrence Smith, Ellen Cadwell and Whitney Cornell were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 12:00 p.m., Monday, April 26, 1999.

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 26, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 180**--Commerce and Environment.

HB 120--Ways and Means.

HS for **HCS** for **HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62** and **579**--Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 723**--Transportation.

HCS for **HB 599**--Insurance and Housing.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 357**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 357, Page 1, Section 1, Line 11, by deleting the word: "**again**" ; and

Further amend said bill, Page 1, Section 1, Line 11, by inserting immediately after the word: "**sale.**" the following:

"The department of natural resources shall not exercise any first refusal rights on the pending land transaction and purchase contract that currently encumbers the Lillian Weis property."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SB 25**, entitled:

An Act to repeal sections 193.165 and 194.117, RSMo 1994, relating to sudden infant death, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 218**, entitled:

An Act to repeal sections 174.450 and 174.453, RSMo Supp. 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 234**, entitled:

An Act to repeal sections 294.011 and 294.030, RSMo Supp. 1998, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 426**, entitled:

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 115**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 115, Page 1, In the Title, Line 3, by deleting the phrase "one new section" and inserting in lieu thereof the phrase "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "one" and inserting in lieu thereof the word "two"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "sections enacted in lieu thereof, to be known as sections 301.441 and 1, to read as follows:"; and

Further amend said bill, Page 2, Section 301.441, Line 19, by inserting after all of said line the following:

"Section 1. 1. Any motor vehicle owner may receive special license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a "professional sports team" shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer.

2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team.

3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law.

5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allows the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution.

6. A professional sports team receiving a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows:

(1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority;

(2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall

be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team.

7. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 159**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 159, Page 1, Section 135.550, Line 3, by inserting after the word "**securities**" the phrase "**, or real property**"; and

Further amend said bill, Page 3, Section 135.600, Line 3, by inserting after the word "**securities**" the phrase "**, or real property**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 214**, entitled:

An Act to repeal sections 77.240, 77.450 and 79.280, RSMo 1994, relating to vacancies in certain offices in third and fourth class cities, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 34**, entitled:

An Act to repeal sections 109.120, 109.130 and 109.241, RSMo 1994, relating to public records, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 270**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 460**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 362**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 197**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 435**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 244**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 207**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 352**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 434**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 81**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 90**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 139**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 12**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 220**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 153**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 391**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 423**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 176**.

Bill ordered enrolled.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

The Reverend Carl R. Gauck offered the following prayer:

Gracious Father: We are grateful to safely return to the Senate and take up the many duties we have in the closing three weeks of this session. So we would ask that we may be a people of prayer, humbling ourselves before You our God. We ask this acknowledging that with the privilege of being here comes the heavy responsibilities we can not get through without Your help. So we pray, walk with us these long days where the pressure to do all that is required of us increases and time to do them shrinks. And Lord, grant us Your peace and gentleness. In Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 22, 1999, was read and approved.

Senator DePasco requested unanimous consent of the Senate to correct the Senate Journal for Wednesday, April 21, 1999, on Page 814, Column 2, Line 32, by deleting the number "25" and inserting in lieu thereof the number "15", which request was granted.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 694, regarding Bridget M. Hessell, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 695, regarding Christina "Christy" Pfeiffer, Labadie, which was adopted.

Senator Sims offered Senate Resolution No. 696, regarding Angela "Angie" Stricker, Labadie, which was adopted.

Senator Sims offered Senate Resolution No. 697, regarding Leah Ann Owens, Kirkwood, which was adopted.

Senator Sims offered Senate Resolution No. 698, regarding Jessica May Keay, Florissant, which was adopted.

Senator Bentley offered Senate Resolution No. 699, regarding Amy Dozier, Branson, which was adopted.

Senator Bentley offered Senate Resolution No. 700, regarding Amy McGinnis, Reed Springs, which was adopted.

Senator Bentley offered Senate Resolution No. 701, regarding Stephanie Prine, Nixa, which was adopted.

Senator Bentley offered Senate Resolution No. 702, regarding Michelle Kay Auston, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 703, regarding Cassie Sorensen, Fort Leonard Wood, which was adopted.

Senator Schneider offered Senate Resolution No. 704, regarding Thomas M. Butler, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 705, regarding Jeffrey D. Griesemer, which was adopted.

Senator Schneider offered Senate Resolution No. 706, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Maurice O. Albers, St. Louis, which was adopted.

Senator House offered Senate Resolution No. 707, regarding Corrections Officer Erin Mayfield, Bowling Green, which was adopted.

Senator Rohrbach offered Senate Resolution No. 708, regarding the Missouri Federation of Square and Round Dancers, which was adopted.

Senator Russell offered Senate Resolution No. 709, regarding Corrections Officer I David Ellzey, which was adopted.

Senator Graves offered Senate Resolution No. 710, regarding Corrections Officer I Steve Long, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 711, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles McKenzie, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 712, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Afton Schmitt, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 713, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Rodenberg, Norborne, which was adopted.

Senator Graves offered Senate Resolution No. 714, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alton Whetsell, Amity, which was adopted.

Senator Graves offered Senate Resolution No. 715, regarding the Sixty-third Wedding Anniversary of Mr. and Mrs. Virgil Swan, King City, which was adopted.

Senator Graves offered Senate Resolution No. 716, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Louis DeRyke, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 717, regarding the Ninety-fifth Birthday of Pauline Arthur, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 718, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Wilson Serfass, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 719, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Hutchcraft, King City, which was adopted.

Senator Graves offered Senate Resolution No. 720, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Lester, Bosworth, which was adopted.

Senator Graves offered Senate Resolution No. 721, regarding the Ninetieth Birthday of Mr. Ralph H. Allen, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 722, regarding the Ninetieth Birthday of Virda Meadows, Mound City, which was adopted.

Senator Staples offered Senate Resolution No. 723, regarding Corrections Officer II Scott Foster, Farmington, which was adopted.

Senator Wiggins offered Senate Resolution No. 724, regarding the death of Mrs. Thecla M. Wenninghoff Burt, Kansas City, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 725

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Ray Richard Evans, premier athlete and civic leader of Kansas City; and

WHEREAS, Mr. Evans, a native of Kansas City, attended Wyandotte High School and the University of Kansas, when in 1947, he became the first Kansas University student ever named an All-American Football Player and was also named an All-American Basketball Player in 1942 and 1943, one of the few college athletes in America ever named an All-American in two sports; and

WHEREAS, Mr. Evans interrupted his college career to serve his country as a Lieutenant in the United States Army Air Corps during World War II, returned to Kansas University to play football where he was also a member of Phi Delta Theta Fraternity, President of the Senior Class, elected to the Owl Society and Sachem, and was named University of Kansas Honor Man in 1948, when he graduated, and thereafter played professional football for the Pittsburgh Steelers; and

WHEREAS, Mr. Evans, followed his athletic career by becoming one of Kansas City's greatest business and civic leaders, became associated with Traders National Bank where he served as President until he retired in 1975, was appointed by President Eisenhower as a member of the National Council on Youth Fitness; served as trustee of the Dwight Eisenhower Foundation; was a past president of the University of Kansas National Alumni Association; was past director, president and chairman of the Board of the American Royal; former Vice-President of the Greater Kansas City Clearing House Association; and Vice President and Director of the Kansas City Chamber of Commerce; and

WHEREAS, Mr. Evans was instrumental in bringing the Kansas City Chiefs to Kansas City and served as first president of the Kansas City Chiefs Club, had been a member of the Royal Lancers since the groups founding by Ewing Kauffman in 1967, was elected to the National Football Foundation Hall of Fame in 1964 and the Helms Basketball Foundation, was past Director of the Boys Club, served for 12 years on the Kansas State Board of Regents, and was named "Phi of the Year" by his fraternity in 1958; and

WHEREAS, Mr. Evans, a kind and decent man, soft spoken and modest about all of his stupendous local and national achievements, was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of Ray Richard Evans, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to America, and extend to his wife, Mrs. Edith Marie Darby Evans, his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Edith Marie Darby Evans; his daughters, Jule Evans Fromm, Rita Evans Stark, Lisa Evans Tuchtan; his son, Ray Darby Evans; the University of Kansas Alumni Association; Kansas University Athletic Department; Kansas City Chamber of Commerce; and Phi Delta Theta Fraternity, Lawrence, Kansas.

Senators Maxwell and Jacob offered Senate Resolution No. 726, regarding Walt "Guns" Domanski, which was

adopted.

Senator Steelman offered Senate Resolution No. 727, regarding Associate Superintendent of the Jefferson City Correctional Center, Jerry W. Curtit, Jefferson City, which was adopted.

THIRD READING OF SENATE BILLS

SJR 17, introduced by Senator Mueller, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri relating to taxation, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

Senator Johnson assumed the Chair.

Senator Mueller moved that **SJR 17** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Bentley	Childers	Clay	Ehlmann
Flotron	Mueller	Rohrbach	Scott
Sims	Singleton	Staples	Stelman
Yeckel--13			
NAYS--Senators			
Banks	Bland	Caskey	DePasco
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Stoll	Westfall	Wiggins--20
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

SCS for **SB 377**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 377

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SB 377** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann

Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			

	NAYS--Senators		
Flotron	Goode	Kinder	Russell
Yeckel--5			

Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SCS for SBs 392, 393 and 267, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 392, 393 and 267

An Act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 136.055, 302.060, 302.130, 302.171, 302.173, 302.181 and 302.309, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for certain sections.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS for SBs 392, 393 and 267** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Banks	Caskey	Clay	Maxwell
Rohrbach	Russell--6		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 1, 92, 111, 129 and 222, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1, 92, 111, 129 and 222

An Act to repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 304.140, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to jurisdiction and procedures of courts, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

On motion of Senator Schneider, **SS for SCS for SBs 1, 92, 111, 129 and 222** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Howard	Mueller--2		
Absent--Senators			
Singleton	Staples--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 525, introduced by Senator Rohrbach, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 525

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to raffles and sweepstakes as

authorized by constitutional amendment, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Rohrbach, **SS** for **SCS** for **SB 525** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Clay	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stoll	Westfall	Wiggins--27	
NAYS--Senators			
Bentley	Caskey	Childers	Ehlmann
Steelman	Yeckel--6		
Absent--Senator Staples--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Bland	Flotron	Graves	House
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Scott
Sims	Singleton	Staples	Stoll
Westfall--17			
NAYS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Howard	Kenney	Kinder	Klarich
Russell	Schneider	Steelman	Wiggins
Yeckel--17			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SCS for **SB 248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 248

An Act to repeal sections 365.010 and 365.020, RSMo 1994, relating to retail installment contracts, and to enact in lieu

thereof four new sections relating to the same subject.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **SCS** for **SB 248** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 374

An Act to repeal sections 287.203 and 287.655, RSMo 1994, and sections 287.160 and 287.210, RSMo Supp. 1998, relating to workers' compen-sation, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Mathewson.

Senator Wiggins assumed the Chair.

On motion of Senator Mathewson, **SCS** for **SB 374** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Maxwell
Mueller	Quick	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Graves	Kinder	Rohrbach	Russell

Singleton--5

Absent--Senators

Banks

Flotron--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 336**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Caskey offered **SS No. 2** for **SB 336**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 336

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to contracts of personal liability insurance.

Senator Caskey moved that **SS No. 2** for **SB 336** be adopted.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 336, Page 2, Section 375.935, Line 19, by adding at the end of said line, the following:

"Section 1. No insurer that provides insurance in the geographic area shall deny, fail to renew or terminate a contract or account with an agent or broker for the sale of insurance coverage on a motor vehicle because of the geographic location of the risk."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 1** is out of order as it exceeds the scope of the subject matter of the bill.

At the request of Senator Clay, **SA 1** was withdrawn, rendering the point of order moot.

Senator Mathewson assumed the Chair.

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 336, Page 2, Section 375.935, Line 12, by inserting after the word "insured" the words, "and interested parties".

Senator Steelman moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson assumed the Chair.

At the request of Senator Caskey, **SB 336**, with **SS No. 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Kay Findley, Democrat, 1707 Barron Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rita B. Hanks, Democrat, 215 North Bridge, Smithville, Clay County, Missouri 64089, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, Danny L. Marsh, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Keith Arnold Wenzel, 1421 Willcoxon Drive, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Insurance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Jay Angoff, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan C. J. Rollins, Democrat, 5071 Westminster Place, St. Louis City, Missouri 63108, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2000, and until her successor is duly appointed and qualified; vice, Darryl T. Jones, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynne R. Nikolaisen, Republican, 962 Kinsale Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri Gaming Commission, for a term ending April 29, 1999, and until her successor is duly appointed and qualified; vice, Robert L. Wolfson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard "Dick" Hanson, 2631 Sue Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank E. Wiles, Democrat, 2018 East 556 Road, Pleasant Hope, Polk County, Missouri 65725, as a member of the State Banking Board, for a term ending August 29, 2003, and until his successor is duly appointed and qualified; vice, Bob McDonald, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed Representative Gross to the conference committee on **SCS** for **HCS** for **HB 12** replacing Representative Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 789** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 893** and has again taken up and passed **HB 893**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 39** and has again taken up and passed **SCS** for **HB 39**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 721** and has again taken up and passed **SCS** for **HB 721**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 476** and has again taken up and passed **SCS** for **HB 476**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 708** and has again taken up and passed **HB 708**, as amended.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 443**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 75, 381 and 204**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **HB 401**, with **SCS**; **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**; **HB 191**, with **SCS**; **HCS** for **HB 267**, with **SCS**; **HS** for **HCS** for **HB 852**, with **SCS**; **HS** for **HCS** for **HB 701**, with **SCS**; **HCS** for **HBs 316, 660 and 203**, with **SCS**; **HS** for **HCS** for **HBs 246 and 405**, with **SCS**; **HCS** for **HB 889**; **HCS** for **HBs 603, 722 and 783**, with **SCS**; **HS** for **HCS** for **HB 793**, with **SCS**, to the Committee on State Budget Control.

President Pro Tem Quick ruled the pending point of order raised by Senator Scott on the Messages from the Governor dated Tuesday, April 20, 1999, not well taken.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard "Dick" Hanson, 2631 Sue Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kay Lynne Myers, 505 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Children's Trust Fund Board, for a term ending September 15, 2000, and until her successor is duly appointed and qualified; vice, Muriel Battle, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert W. Cary, Democrat, Rural Route 2, Box 157, Canton, Lewis County, Missouri 63435, as a member of the State Milk Board, for a term ending September 28, 2002, and until his successor is duly appointed and qualified; vice, James F. Stine, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary L. Richter, 407 Friendship Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Theodore A. Pruess, 1427 Missouri, St. Louis City, Missouri 63104, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until his successor is duly appointed and qualified; vice, John Theiss, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HS** for **HCS** for **HB 822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 321** and **493**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 321 and 493, Page 1, In the Title, Line 4, by striking "fifteen" and inserting in lieu thereof the following: "seventeen"; and

Further amend said bill and page, Section A, line 2, by striking "fifteen" and inserting in lieu thereof the following: "seventeen"; and further amend lines 4 and 5, by striking "and 175.023" and inserting in lieu thereof the following: ", 175.023, 178.750 and 178.755"; and

Further amend said bill, page 9, Section 175.023, line 9, by inserting after all of said line the following:

"178.750. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to the board of trustees of each junior college district, who shall attend all meetings and participate in all deliberations of the board. Such faculty representative shall have the same powers as other members of the board of trustees except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government president of the junior college, be a full-time faculty member at the college, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the college, or a resident of the state of Missouri, such position shall at once become vacant.

178.755. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the faculty representative."

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bills Nos. 321 and 493, Page 3, Section 172.037, Line 9, by inserting immediately after said line the following:

"172.360. All youths, resident of the state of Missouri, over the age of sixteen years, shall be admitted to all the privileges and advantages of the various classes of all the departments of the University of the state of Missouri; provided, that each applicant for admission therein shall possess such scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted and established by the board of curators; and provided further, that the board of curators may charge and collect reasonable tuition and other fees necessary for the maintenance and operation of all departments of the university as they may deem necessary.

[172.360. All youths, resident of the state of Missouri, over the age of sixteen years, shall be admitted to all the privileges and advantages of the various classes of all the departments of the University of the State of Missouri without payment of tuition; provided, that each applicant for admission therein shall possess such scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted and established by the board of curators; and provided further, that nothing herein enacted shall be construed to prevent the board of curators from collecting reasonable tuition fees in the professional departments, and the necessary fees for maintenance of the laboratories in all departments of the university, and establishing such other reasonable fees for library, hospital, incidental expenses or late registration as they may deem necessary.]; and

Further amend the title and enacting clause accordingly.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 728, regarding Thomas John Phillips, Cottleville, which was adopted.

Senator Clay offered Senate Resolution No. 729, regarding Bring It Together, which was adopted.

Senator Wiggins offered Senate Resolution No. 730, regarding the death of Stanley M. Broski, Jr., Leawood, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 731, regarding the death of Dr. Clarence M. Cernech, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, his wife, Kay, Butler; Dorothy Feeback, Belton; and guests from Cass and Bates Counties.

Senator Mathewson introduced to the Senate, Professor P.C. Thomas, Tim Wright, Bryce Morrow, Andy Colson and Michael Root, Sedalia.

Senator Wiggins introduced to the Senate, Dallas and Betty Braun Brown, Kansas City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 27, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful Father: Teach us to be full of compassion and understanding wherever there is hurt and need around us. Enable us to express mercy to the less fortunate among us as You have shown mercy to us. And as Your Word teaches us, help us to be as "wise as serpents and as innocent as doves" in dealing with this world, while seeking always to do Your will. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 732, regarding the International Police Association, which was adopted.

Senator Caskey offered Senate Resolution No. 733, regarding Wings Over Mid-America, Incorporated, which was adopted.

Senator Bentley offered Senate Resolution No. 734, regarding John Robert Schraft, Springfield, which was adopted.

Senator Maxwell offered Senate Resolution No. 735, regarding Kelly Wohlbold, Laddonia, which was adopted.

HOUSE BILLS ON THIRD READING

HB 185, with **SCA 1**, introduced by Representative Lakin, entitled:

An Act to repeal section 302.291, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion failed.

On motion of Senator Sims, **HB 185** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Mueller-- 1			
Absent--Senator Flotron-- 1			
Absent with leave--Senator Childers-- 1			

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 861, introduced by Representatives Griesheimer and Murray, entitled:

An Act to repeal section 34.140, RSMo Supp. 1998, relating to the distribution of state surplus property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

Senator Johnson assumed the Chair.

On motion of Senator Sims, **HB 861** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich

Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Flotron-- 1			
Absent with leave--Senator Childers-- 1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 352, with **SCA 1**, introduced by Representative Foley, et al, entitled:

An Act relating to municipal fire departments.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion failed.

On motion of Senator House, **HB 352** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Clay-- 1			
Absent with leave--Senator Childers-- 1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 265, introduced by Representative Smith, entitled:

An Act to repeal sections 330.070 and 330.160, RSMo 1994, relating to podiatrists, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 265** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Clay-- 1			
Absent with leave--Senator Childers-- 1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 79, with **SCS**, introduced by Represen-tatives Ransdall and Gaw, entitled:

An Act to repeal section E, of Proposition A as approved by the voters on November 3, 1998, relating to animal fighting, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 79**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 79

An Act to repeal section E, Proposition A, adopted by the registered voters of the State of Missouri on November 3, 1998, and to enact in lieu thereof one new section, for the sole purpose of correcting technical errors in the drafting of section E, with an emergency clause.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 79** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 79** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Mueller--1			
Absent--Senators--None			
Absent with leave--Senator Childers--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Mueller--1			
Absent--Senators--None			
Absent with leave--Senator Childers--1			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Vickie R. Stewart, Jeanine L. Bequette, William J. Nolan, Jr. and Catherine F. Brown, as members of the Interior Design Council;

Also,

Margaret T. Donnelly and Elizabeth Van Uum, as members of the Bi-State Development Agency;

Also,

Addison M. Williams, Jr., as a member of the State Historical Records Advisory Board;

Also,

Margaret F. Koch, and April L. Ford Griffin, as members of the Advisory Committee on Lead Poisoning;

Also,

Anne C. Gardner and Karen E. Touzeau, as members of the Personnel Advisory Board;

Also,

George R. Holske, Melinda Clark and Donald M. Claycomb, as members of the Missouri Head Injury Advisory Council;

Also,

Jill M. Hamilton, as a public member of the Dam and Reservoir Safety Council;

Also,

Frank D. Beller and Harriet A. Beard, as members of the Air Conservation Commission of the State of Missouri;

Also,

Christine C. Meyer and Ronald E. Graham, as members of the Drug Utilization Review Board;

Also,

Katherine A. Tyler, as a member of the Missouri Board for Respiratory Care;

Also,

Lynn M. Catrett, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Gale L. Hackman and Barry J. Drucker, as members of the State Milk Board;

Also,

Donald L. Wolff, as a member of the Harris Stowe State College Board of Regents;

Also,

Dan W. Brown, as a member of the Missouri Veterinary Medical Board.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HB 822**, with **SCS**, and **SS** for **SCS** for **SBs 75, 381 and 204** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 203** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 203, Page 2, Section 213.111, Line 28, by deleting the words "either party" and insert in lieu thereof the words "both parties".

Senator Kinder moved that the above amendment be adopted, which motion failed.

At the request of Senator Wiggins, **SB 203** was placed on the Informal Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 443**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 5**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 5** was again taken up.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 5, Page 3, Section 147.010, Line 5, by deleting the word "**one-twentieth**" and inserting in lieu thereof the word "**one-fortieth**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 5, Page 1, In the Title, Line 5, by striking the words "corporation franchise tax" and inserting in lieu thereof the word "taxation"; and

Further amend said bill, Page 20, Section 351.598, Line 25 of said page, by inserting immediately after said line the following:

"Section 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability in an amount not to exceed one hundred fifty dollars for taxes paid on residential property owned by that taxpayer during the calendar year for which the income tax is being filed.

The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order as it deals with subject matter not contained in the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

PRIVILEGED MOTIONS

Senator Singleton moved that **SB 25**, with **HCS No. 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS No. 2 for **SB 25**, entitled:

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 25

An Act to repeal sections 193.165 and 194.117, RSMo 1994, relating to sudden infant death, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **HCS No. 2** for **SB 25** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Clay--2		
Absent with leave--Senator Childers--1			

On motion of Senator Singleton, **HCS No. 2** for **SB 25** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay	Staples--3	
	Absent with leave--Senator Childers--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

Senator Johnson moved that **SB 34**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 34**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 34

An Act to repeal sections 109.120, 109.130 and 109.241, RSMo 1994, relating to public records, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 34** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay--2		
	Absent with leave--Senator Childers--1		

On motion of Senator Johnson, **HCS** for **SB 34** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Clay	Schneider--3
Absent with leave--Senator Childers--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 15**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Russell moved that the above amendment be adopted.

At the request of Senator Russell, the above motion was withdrawn.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 35** and has again taken up and passed **SCS** for **HB 35**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 920** and has again taken up and passed **HB 920**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in

SCA 1 to **HB 853** and has again taken up and passed **HB 853**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 518** and has again taken up and passed **HB 518**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 464** and has again taken up and passed **SCS** for **HB 464**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 366** and has again taken up and passed **SCS** for **HB 366**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 795** and has again taken up and passed **SCS** for **HB 795**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 348**.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 348, Page 1, In the Title, Lines 2-5, by deleting said lines and inserting in lieu thereof the following: "To repeal sections 92.031, 205.200 and 206.060, RSMo 1994, relating to tax levies for local governments providing certain public services, and to enact in lieu thereof three new sections relating to the same subject."; and

Further amend said bill, page 1, section A, lines 1-2, by deleting said lines and inserting in lieu thereof the following: "Section A. Sections 92.031, 205.200 and 206.060, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 92.031, 205.200 and 206.060, to read as follows:"; and

Further amend said bill, page 2, section 92.031, line 13, by inserting after said line the following:

205.200. 1. Except in counties operating under the charter form of government, the county commission in any county wherein a public hospital shall have been established as provided in sections 205.160 to 205.340 shall levy annually a rate of taxation on all property subject to its taxing powers in excess of the rates levied for other county purposes to defray the amount required for the maintenance and improvement of such public hospital and for constructing and furnishing necessary additions thereto, as certified to it by the board of trustees of the hospital; the tax levied for such purpose shall not be in excess of [fifty cents] **one dollar** on the one hundred dollars assessed valuation. The funds arising from the tax levied for such purpose shall be used for the purpose for which the tax was levied and none other.

2. Any funds of the hospital, whether derived from the tax authorized by this section or from the operation of the hospital, and whether collected before or after October 13, 1965, may be used for constructing and furnishing necessary additions to the hospital.

3. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of trustees shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing

hospital operations.

206.060. 1. Each notice shall state briefly the purpose of the election, setting forth the question to be voted upon, form of ballot to be used and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by this chapter, and shall have the power to levy a property tax not to exceed [fifty cents] **one dollar** on the one hundred dollars valuation.

2. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of directors shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing hospital operations."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Bill No. 348, Page 1, Section 205.200, Line 3, Subsection 3, by deleting the word "or" and inserting the word "and"; and

Further amend section 206.060, subsection 2, line 3, by deleting the word "or" and inserting the word "and".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 276**, entitled:

An Act to repeal sections 205.374 and 360.060, RSMo 1994, and sections 205.190, 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to health and educational facilities, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Klarich moved that **SB 357**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Bland	Clay

Flotron	Mueller	Russell	Scott
Sims--9			

Absent with leave--Senator Childers-- 1

On motion of Senator Klarich, **SB 357**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Bland	Mueller	Russell--4
	Absent with leave--Senator Childers-- 1		

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 218**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 218**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 218

An Act to repeal sections 174.450 and 174.453, RSMo Supp. 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **HCS** for **SCS** for **SB 218** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
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Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Childers--1

On motion of Senator Caskey, **HCS** for **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Childers--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Childers--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator House moved that **SCS** for **SB 159**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach-- 1			
Absent--Senators			
Mueller	Scott	Staples--3	
Absent with leave--Senator Childers-- 1			

Senator Wiggins assumed the Chair.

On motion of Senator House, **SCS** for **SB 159**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Johnson	Mueller	Scott	Staples--4
Absent with leave--Senator Childers-- 1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SB 214**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 214**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 214

An Act to repeal sections 77.240, 77.450 and 79.280, RSMo 1994, relating to vacancies in certain offices in third and fourth class cities, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS** for **SB 214** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Mueller--1

Absent with leave--Senator Childers--1

On motion of Senator Mathewson, **HCS** for **SB 214** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator Childers--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Stoll moved that **SB 414**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was again taken up.

Senator Stoll moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Mathewson	Quick--3	
Absent with leave--Senator Childers--1			

On motion of Senator Stoll, **SB 414**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Mathewson	Quick--3	
Absent with leave--Senator Childers--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Stoll moved that **SCS** for **SB 234**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 234, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 234

An Act to repeal sections 294.011 and 294.030, RSMo Supp. 1998, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Stoll moved that **HCS for SCS for SB 234** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Howard-- 1			
Absent--Senator Bentley-- 1			
Absent with leave--Senator Childers-- 1			

On motion of Senator Stoll, **HCS for SCS for SB 234** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Howard-- 1			
Absent--Senators			
Bentley	Mueller--2		
Absent with leave--Senator Childers-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Howard--1

Absent--Senators

Johnson	Singleton	Staples--3
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Absent with leave--Senator Childers--1

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Ehlmann moved that **SB 270**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 270**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 270

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

Was taken up.

Senator Ehlmann moved that **HCS** for **SB 270** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Scott	Singleton--3	
	Absent with leave--Senator Childers--1		

On motion of Senator Ehlmann, **HCS** for **SB 270** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Singleton--2		
	Absent with leave--Senator Childers--1		

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Howard moved that **SB 426**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 426**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 426

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **HCS** for **SB 426** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Ehlmann	Johnson	Quick
Singleton	Stoll--6		
	Absent with leave--Senator Childers--1		

On motion of Senator Howard, **HCS** for **SB 426** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Johnson	Singleton	Stoll--4
Absent with leave--Senator Childers--1			

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 343**, with **SCS**, entitled:

An Act to repeal sections 193.265, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 331.050, 335.061 and 335.071, RSMo 1994, and sections 324.203, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 334.100, 334.800, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.051, 335.066, 335.081 and 338.060, RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to the division of professional registration, and to enact in lieu thereof eighty new sections relating to the same subject, with penalty provisions and with an expiration date for certain sections.

Was taken up by Senator Caskey.

SCS for **HCS** for **HB 343**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 343

An Act to repeal sections 193.265, 209.319, 214.310, 214.330, 256.459, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 326.160, 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341,

327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451, 327.461, 327.605, 328.030, 331.050, 331.090, 332.021, 333.151, 334.120, 335.021, 335.051, 335.061, 335.071, 336.130, 337.535, 338.110 and 340.202, RSMo 1994, sections 286.110, 324.050, 324.056, 324.063, 324.071, 324.086, 324.128, 324.136, 324.203, 324.205, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 327.031, 327.041, 327.101, 327.401, 329.190, 330.110, 334.625, 334.655, 334.660, 334.749, 334.800, 334.850, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.066, 335.081, 337.050, 337.622, 337.739, 338.060, 339.120, 339.507, 345.080, 431.180 and 620.010, RSMo Supp. 1998, both versions of sections 286.060 as they appear in RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to professional licensing, and to enact in lieu thereof one hundred forty-nine new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

Was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HB 343** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 98, Section 327.461, Line 6, by inserting immediately after said line the following:

"[327.461. Every contract for architectural or engineering or land surveying services entered into by any person who is not a registered or authorized architect or registered or authorized professional engineer or registered or authorized land surveyor, as the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unregistered or unauthorized architect or professional engineer or land surveyor.]" ; and

Further amend said bill, page 153, Section 327.461, lines 1-7, by deleting all of said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, page 4, Section 193.265, Line 41, by inserting after all of said line the following:

"197.725. 1. The department of health shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, "necessary provider hospital" means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:

- (1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours;**
- (2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;**
- (3) Makes available emergency services on a twenty-four hour basis; and**
- (4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and backup medical and emergency services.**

2. The department of health may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend said bill, Page 154, Section 345.080, Line 59, by inserting after all of said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multiyear group contracts need not comply until the expiration of their current multiyear term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this act, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.

5. Except for good cause, a health carrier shall be prohibited **either directly, or indirectly through intermediaries,** from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses **and when reimbursing amounts for covered services among persons duly licensed to provide such services.** For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this act shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, under section 287.135, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 85, Section 327.272, Line 31, by deleting the semi-colon on said line and inserting in lieu thereof a period; and

Further amend said bill, same page, same section, line 32, by deleting said line; and

Further amend said bill, same page, same section, line 33, by deleting "**12**" on said line and inserting in lieu thereof "**11**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 11, Section 256.459, Line 7, by striking the opening bracket "[" on said line; and further amend said line, by striking the following: "] seven"; and

Further amend said bill, Page 11, Section 256.459, Line 9, by striking the opening bracket "[" on said line; and further amend said line, by striking the closing bracket "]" on said line.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 1, In the Title, Line 21, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 2, Section A, Line 19, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 3, Section A, Lines 36 and 37 by deleting the phrase "1 and 2" and inserting in lieu thereof the following: "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13"; and

Further amend said bill, Page 163, Section 620.160, Line 9, by inserting immediately after said line the following:

"Section 1. As used in sections 1 to 11 of this act, the following terms mean:

(1) "Addictions counseling", the observation, description, evaluation, interpretation and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol and other drugs or related addiction behaviors, including gambling addition, by the application of the core functions as defined in subdivision (3) of this section; except that, the provisions of this subdivision shall not be construed to include diagnosing mental diseases. The practice of addictions counseling includes the following activities, regardless of whether the counselor receives compensation for the activities:

(a) Assisting individuals or groups who use alcohol or other drugs or engage in addictive behaviors, including gambling addictions, evaluating the same and recognizing addiction of the above if it exists;

(b) Assisting individuals or groups with addiction problems to gain insight and motivation aimed at resolving such problems;

(c) Providing experienced professional guidance, assistance and support for the individual's efforts to develop and maintain a responsible and functional lifestyle;

(d) Individual treatment planning to prevent relapse;

(e) Addiction prevention and other education for individuals and groups;

(f) Consultation with other professions;

(g) Recognition of problems outside the scope of the counselor's training skills or competence and referring the client to other appropriate professional care;

(h) Providing the above services, as needed, to family members or others affected by someone who is addicted; and

(i) Any other services that are not limited by another scope of practice as defined by the International Certification and Reciprocity Consortium, or any subsequent successor to this body;

(2) "Board", the state board for professional addictions counselors, established in section 11 of this act;

(3) "Core functions", the following services provided in addictions treatment:

(a) "Assessment", those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan;

(b) "Case management", activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;

(c) "Client education", the provision of information to clients who are receiving or seeking counseling concerning addiction problems and the available services and resources;

(d) "Consultation with other professions", communicating with other professions in regard to client treatment and services to assure comprehensive, quality care for the client;

(e) "Counseling", the utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making;

(f) "Crisis intervention", those services which best respond to an addiction-related crisis situation of an

individual, family, spouse or significant other;

(g) "Intake", the administrative and initial assessment procedures for admission to a program;

(h) "Orientation", describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights;

(i) "Referral", identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources;

(j) "Reports and recordkeeping", charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries and other client-related data;

(k) "Screening", the process by which a client is determined appropriate and eligible for admission to a particular program;

(l) "Treatment planning", those procedures by which the counselor and the client identify and rank problems needing resolution; establish agreed upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the division of professional registration in the department of economic development;

(6) "Division", the division of professional registration;

(7) "Fund", the professional addictions counselors' fund created in section 5 of this act;

(8) "Licensed professional addictions counselor", a person to whom a license has been issued pursuant to the provisions of sections 1 to 11 of this act, whose license is in force and not suspended or revoked.

Section 2. No person shall engage in the professional practice of addictions counseling unless the person is licensed as a professional addictions counselor pursuant to sections 1 to 11 of this act or certified as a substance abuse counselor. Sections 1 to 11 of this act shall not apply to:

(1) Any person who does not represent to the public, or health care financing agencies, directly or indirectly, that the person is licensed or certified pursuant to sections 1 to 11 of this act and does not use any name, title or designation indicating that the person is licensed pursuant to sections 1 to 11 of this act;

(2) Activities or services of:

(a) A licensed physician;

(b) A licensed psychologist;

(c) A licensed clinical social worker;

(d) A licensed professional counselor;

(e) A religious leader of a congregation providing pastoral alcohol and drug counseling within the scope of his or her duties; or

(f) A school counselor certified by the department of elementary and secondary education;

(3) Activities and services of students, interns or residents in professional addictions counseling seeking to fulfill educational requirements in order to qualify for a license or certification pursuant to sections 1 to 11 of this act, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing pursuant to sections 1 to 11 of this act, if the activities and services are supervised by a qualified addictions professional or a professional addictions counselor licensed pursuant to sections 1 to 11 of this act, and the student, intern or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing in this section shall be construed to permit students, interns or residents to offer their services as professional addictions counselors to any other person and to accept remuneration for such professional counseling services other than as specifically exempted by the provisions of sections 1 to 11 of this act, unless such person has a license issued pursuant to sections 1 to 11 of this act;

(4) Individuals not licensed pursuant to sections 1 to 11 of this act who work in self-help groups or programs or not for profit organizations who provide services in those groups, programs, organizations or health care financing agencies, as long as such persons are not in any manner held out to the public as practicing professional addictions counseling, or do not hold themselves out to the public by any title or designation stating or implying that such persons are professional addictions counselors.

Section 3. 1. For a period of six months from September 1, 1999, a person may apply for licensure without examination and shall be exempt from the academic requirements of sections 1 to 11 of this act if the board is satisfied that the applicant:

(1) Has been a resident of the state of Missouri for at least the last six months; and

(2) Holds a valid license as a professional addictions counselor from another state.

2. The board shall determine by administrative rule the types of documentation needed to verify that an applicant meets the qualifications provided in subsection 1 of this section.

3. After March 1, 2000, no person may hold himself or herself out as a licensed professional addictions counselor unless the person complies with all educational and examination requirements or is licensed in accordance with the provisions of sections 1 to 11 of this act.

Section 4. No provision of sections 1 to 11 of this act shall be construed to require any agency, corporation or organization, not otherwise required by law, to employ licensed professional addictions counselors; except licensed behavioral health counselors in private practice who are certified to provide substance abuse counseling service or except licensed counselors in private practice who are licensed pursuant to sections 1 to 11 of this act to provide addictions counseling services as defined in section 1 of this act shall be considered qualified providers in all cases required by law.

Section 5. 1. Applications for licensure as a professional addictions counselor shall be in writing, submitted to the board on forms prescribed by the board and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information the board requires by rule. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. The board shall mail a renewal notice to the last known address of each licensee within forty-five days before the licensure renewal date. Failure to provide the board with the information required for a license, including continuing education documentation, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application, appropriate documentation and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board upon payment of a fee.

4. The board shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 1 to 11 of this act. All fees provided for in sections 1 to 11 of this act shall be collected by the director who shall deposit the same with the state treasurer to a fund which is hereby created and shall be known as the "Professional Addictions Counselors' Fund".

5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the professional addictions counselors' fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional addictions counselors' fund for the preceding fiscal year.

Section 6. 1. Each applicant for licensure as a professional addictions counselor shall furnish evidence to the board that:

(1) The applicant meets the state certification requirements as currently established by the Missouri Substance Abuse Counselors Certification Board, Inc., or board-approved national standard addiction credential certification body and is a certified substance abuse counselor and/or a nationally certified addiction counselor; and

(2) The applicant has a total of five years full-time or ten thousand hours documented experience as an addictions counselor plus a total of five hundred forty contact hours of education and training in addictions and related counseling subjects; or

(3) The applicant has a bachelor's degree in addiction studies from an accredited college or university plus two years or four thousand hours of supervised experience in the addictions field; or

(4) The applicant has a master's degree in addiction studies or related behavioral health education and two years or four thousand hours supervised experience in the addictions field by an addictions qualified professional or licensed professional addictions counselor; and

(5) The applicant is at least twenty-one years of age, has been a resident of this state for at least six months, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure; and

(6) Upon board determination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, clinical application and professional affairs and ethics.

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same or higher requirements as this state for professional addictions counselors may be granted a license to engage in the person's occupation in this state upon application to the board accompanied by the appropriate documentation and fee as established by the board pursuant to section 5 of this act.

3. The board shall issue a license to each person who files an application and fee as required by the provisions of sections 1 to 11 of this act, and who furnishes evidence satisfactory to the board that the applicant has complied with the provisions of subsection 1 of this section and with the provisions of subsection 2 of this section.

Section 7. 1. Each license issued pursuant to the provisions of sections 1 to 11 of this act shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the

director may establish a shorter term for the first licenses issued pursuant to sections 1 to 11 of this act. The board shall renew any license upon application for renewal and upon payment of the fee established by the board pursuant to the provisions of section 5 of this act and upon presentation of documentation of a minimum of sixty contact hours of continuing education in the addictions field as defined by rule.

2. The board may issue temporary permits to practice under extenuating circumstances as determined by the board and defined by rule.

Section 8. 1. The board shall promulgate rules and regulations pertaining to:

- (1) The form and content of license applications required by the provisions of sections 1 to 11 of this act and the procedures for filing an application for an initial or renewal license in this state;
- (2) Fees required by the provisions of sections 1 to 11 of this act;
- (3) The content, conduct and administration of any licensing examination required;
- (4) The equivalent of the basic educational requirements set forth in section 6 of this act;
- (5) The standards and methods to be used in assessing competency as a licensed professional addictions counselor;
- (6) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 1 to 11 of this act;
- (7) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;
- (8) Establishment of a policy and procedure for reciprocity with other states; and
- (9) Any other policy or procedure necessary to the fulfillment of the requirements of sections 1 to 11 of this act.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 11 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 9. 1. The board may refuse to issue or renew any license required by the provisions of sections 1 to 11 of this act for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 1 to 11 of this act or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of addictions counselor; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional addictions counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

- (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 1 to 11 of this act or in obtaining permission to take any examination given or required pursuant to the provisions of sections 1 to 11 of this act;**
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;**
- (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional addictions counselor;**
- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 1 to 11 of this act or of any lawful rule or regulation adopted pursuant to sections 1 to 11 of this act;**
- (7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;**
- (8) Revocation or suspension of a license or other right to practice addictions counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**
- (9) Final adjudication as incapacitated by a court of competent jurisdiction;**
- (10) Assisting or enabling any person to practice or offer to practice addictions counseling who is not licensed and is not currently eligible to practice pursuant to the provisions of sections 1 to 11 of this act;**
- (11) Obtaining a license based upon a material mistake of fact;**
- (12) Failure to display a valid license if so required by sections 1 to 11 of this act or any rule promulgated hereunder;**
- (13) Violation of any professional trust or confidence;**
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;**
- (15) Being guilty of unethical conduct as defined in the ethical standards for professional addictions counselors adopted by the board by rule and filed with the secretary of state.**

3. Any person, organization, association or corporation who reports or provides information to the board pursuant to the provisions of sections 1 to 11 of this act and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend the person's license for a period not to exceed three years, or revoke the license.

Section 10. 1. Violation of any provision of sections 1 to 11 of this act is a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 1 to 11 of this act shall be refunded.

3. The department on behalf of the board may sue in its own name in any court in this state. The department

shall inquire as to any violation of sections 1 to 11 of this act, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 1 to 11 of this act.

4. Upon application by the board, the attorney general may on behalf of the board request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

- (1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;
- (2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 1 to 11 of this act, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 1 to 11 of this act and may be brought concurrently with other actions to enforce the provisions of sections 1 to 11 of this act.

Section 11. 1. There is hereby created and established the "State Board of Professional Addictions Counselors" which shall consist of one public member, six licensed professional addictions counselors or persons who are eligible to be licensed, one member who is a director or coordinator of a certified drug treatment program, and one member who is a director or coordinator of an accredited addictions dependency training or college degree program in addictions studies. Members of the board who shall be licensed shall be selected from recommendations submitted by any nationally recognized association representing professional addictions counselors. The member of the board who is a director or coordinator of a certified drug treatment program shall be selected from recommendations submitted by a state association representing alcohol and drug treatment providers contracted with the department of mental health. The board shall be appointed by the governor with the advice and consent of the senate. Board members shall serve for a term of five years, except for the members first appointed, two professional members shall be appointed for five years, two professional members shall be appointed for four years, two professional members, the member who is a director or coordinator of an addictions dependency training or college degree program in addictions studies and the member who is a director or coordinator of a certified drug treatment program shall be appointed for three years and two public members shall be appointed for two years. No person shall be eligible for appointment to the board who has served as a member of the board for a total of ten years. Members shall be appointed to represent a diversity in gender, race and ethnicity. No more than seven members shall be from the same political party.

2. Each nonpublic board member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in sections 1 to 11 of this act, shall be licensed pursuant to sections 1 to 11 of this act, except the members of the first board, who shall be licensed within six months of their appointment, and are actively engaged in the practice of addictions counseling. If a member of the board shall, during the member's term as a board member, remove the member's domicile from the state of Missouri, then the board shall immediately notify the governor, and the seat of that board member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public members shall be at the time of each member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter, or an activity or organization directly related to any

profession licensed or regulated pursuant to this chapter.

3. The board shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the board shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the board shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. The board shall share resources and facilities with the office for the committee for professional counselors provided for in sections 337.500 to 337.540, RSMo. All staff for the board shall be provided by the director of the department of economic development through the director of the division of professional registration. The board may employ, or hire on a contract basis, legal counsel to represent the board on matters related to the provisions of sections 1 to 11 of this act.

5. The governor may remove any member of the board for misconduct, inefficiency, incompetency or neglect of office."; and

Further amend said bill, Page 163, Section 1, Line 1, by deleting the first number "1" and inserting in lieu thereof the number "12"; and

Further amend said bill, Page 163, Section 2, Line 1, by deleting the number "2" and inserting in lieu thereof the number "13".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 110, Section 334.120, Line 46, by inserting after all of said line the following:

"334.300. As used in sections 334.300 to 334.333 the following terms mean:

- (1) "Accepted therapeutic purpose", treatment of a disease, injury, ailment or infirmity that is competent and generally recognized as safe and effective;**
- (2) "Approved postdoctoral training" or "postdoctoral training", a program in which the training has been approved as specialty training for persons licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 or as graduate medical education for persons licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 in naturopathic medicine by the board or approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;**
- (3) "Approved preceptorship program" or "preceptorship", a program in which the training has been approved as preceptorship training for physicians or for graduates of a school of naturopathic medicine by the board or was approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;**
- (4) "Approved school of naturopathic medicine" or "school of naturopathic medicine", a school or college offering a course of study to a person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 which, on successful completion, awards the degree of doctor of naturopathic medicine and which course of study is any of the following:**
 - (a) Certified, recognized or approved by another state's naturopathic licensing agency and the school is located**

in the jurisdiction of that licensing agency;

(b) Determined by the board to have an educational program that meets board standards as prescribed by board rules;

(5) "Board", the state board of registration for the healing arts;

(6) "Device", an appliance, apparatus or instrument administered or dispensed to a patient by a doctor of naturopathic medicine;

(7) "Dispense", the delivery by a doctor of naturopathic medicine of a substance or a device to a patient and only for a condition being diagnosed or treated by such doctor; to include free samples packaged for individual use by licensed manufacturers or repackagers, and includes the prescribing, administering, packaging, labeling as related to naturopathic medicine and security necessary to prepare and safeguard the substance or the device for delivery to the treating doctor's own patient;

(8) "Doctor of naturopathic medicine", a person licensed to practice naturopathic medicine pursuant to sections 334.300 to 334.333;

(9) "Homeopathy", a system of medical treatment of certain diseases with small doses of drugs which in a healthy person and in large doses would produce symptoms like those of the disease;

(10) "Medical assistant" or "naturopathic medical assistant", a person who is certified by the board as a medical assistant, who assists a doctor of naturopathic medicine and who may perform delegated procedures commensurate with the assistant's education and training under the supervision of a doctor of naturopathic medicine. Procedures delegated to a medical assistant do not include diagnosing, designing or modifying established treatment programs or those procedures prohibited by the board or by the provisions of sections 334.300 to 334.333;

(11) "Minerals", an inorganic substance occurring naturally in the earth as ore or rock. Any substance neither vegetable nor animal;

(12) "Natural substance", arising from nature, not artificial;

(13) "Naturopathic medical student", a person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is enrolled in a course of study at an approved school of naturopathic medicine;

(14) "Naturopathic medicine", medicine as taught in approved schools of naturopathic medicine;

(15) "Nurse", a person licensed pursuant to chapter 335, RSMo;

(16) "Physician", a doctor of naturopathic medicine licensed pursuant to sections 334.300 to 334.333;

(17) "Practice of naturopathic medicine", a medical system of diagnosing and treating diseases, injuries, ailments, infirmities and other conditions of the human mind and body including, but not limited to, natural means or the prescribing or dispensing of substances, as defined in this section;

(18) "Specialist", a physician who has successfully completed approved postdoctoral training, who is certified by a specialty board of examiners recognized by the board and who is certified by the board to practice the specialty pursuant to sections 334.300 to 334.333;

(19) "Substances" includes, but is not limited to, minerals, vitamins, natural substances, homeopathy and schedule four and five drugs as provided in chapter 195, RSMo;

(20) "Vitamins", any complex substance found in foods and essential to good health.

334.303. 1. The state board of registration for the healing arts shall:

- (1) Adopt rules that are necessary or proper for the administration of sections 334.300 to 334.333;**
- (2) Administer and enforce all provisions of sections 334.300 to 334.333 and all rules adopted by the board pursuant to the authority granted in sections 334.300 to 334.333;**
- (3) Set the amount of the fees which sections 334.300 to 334.333 authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 334.300 to 334.333; provided that the licensing fee shall not exceed two hundred fifty dollars;**
- (4) Deposit all funds received pursuant to sections 334.300 to 334.333 in the board of registration for the healing arts fund established in section 334.050, RSMo;**
- (5) Adopt rules regarding naturopathic medical assistants who assist a doctor of naturopathic medicine, and the board shall determine the qualifications of naturopathic medical assistants who are not otherwise licensed by law. The board may also adopt rules for the voluntary certification of such naturopathic medical assistants;**
- (6) Adopt rules requiring a doctor of naturopathic medicine to be certified and registered by the board before dispensing a substance or device;**
- (7) Adopt rules for conducting licensing examinations required by sections 334.300 to 334.333;**
- (8) Have the full and free exchange of information with the licensing and disciplinary boards of other states and countries.**

2. The board may:

- (1) Adopt rules that prescribe annual continuing medical education for the renewal of licenses issued pursuant to sections 334.300 to 334.333;**
- (2) Employ permanent or temporary personnel it deems necessary to carry out the purposes of sections 334.300 to 334.333 and designate their duties;**
- (3) Adopt rules relating to naturopathic medical specialties and determine the qualifications of doctors of naturopathic medicine who may represent or hold themselves out as being specialists;**
- (4) If reasonable cause exists to believe that an applicant's competency is in question, require an applicant for licensure to undergo any combination of physical, mental, blood or laboratory tests.**

3. No rule or portion of a rule promulgated pursuant to the authority of sections 334.300 to 334.333 shall become effective unless it was promulgated pursuant to the provisions of chapter 536, RSMo.

334.305. 1. A person who holds a license or certificate pursuant to sections 334.300 to 334.333 shall display such document in a conspicuous place that is accessible to view by the public.

2. A person who practices, conducts affairs or is employed at more than one location and who maintains a continuing activity as authorized by the license or certificate shall display a duplicate of such document issued by the board at each location.

334.307. 1. The examination required for a license pursuant to sections 334.300 to 334.333 shall be written and shall consist of the following parts:

- (1) Part one shall encompass the basic medical science subjects of anatomy, basic pharmacology and toxicology, biochemistry, microbiology and immunology, physiology, pathology and naturopathic jurisprudence;**

(2) Part two shall encompass the clinical medical science subjects of dermatology, ophthalmology and otolaryngology, geriatrics, infectious diseases, neurology and psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical medicine and rehabilitation;

(3) Part three shall encompass the clinical competency medical subject of emergency medicine, clinical pharmacology, internal medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition, botanicals and diet therapy.

2. In lieu of the examination prescribed in subsection 1 of this section, the board may accept examinations conducted by a national board of examiners recognized by the board for those subjects encompassed pursuant to subdivisions (1) and (2) of subsection 1 of this section if the applicant for licensure successfully passed the examination with a grade of at least seventy-five and the national board submits an affidavit to the board that confirms the examination grade of the applicant.

3. In lieu of the examination prescribed in subsection 1 of this section, all physicians and surgeons licensed pursuant to this chapter, chiropractors licensed pursuant to chapter 331, RSMo, and podiatrists licensed pursuant to chapter 330, RSMo, who have been granted a doctor of naturopathic medicine degree from an approved naturopathic medical program in which the college granting the degree is approved by a state board, at the time the degree was granted, with equivalent quality and standards of care in the practice of naturopathic medicine shall be entitled to be licensed pursuant to sections 334.300 to 334.333 on the effective date of sections 334.300 to 334.333.

334.310. 1. A naturopathic medical student who wishes to engage in a clinical training program in naturopathic medicine shall submit an application for a certificate from the board.

2. A naturopathic medical student issued a certificate by the board to engage in an approved clinical training program shall be under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 or pursuant to chapter 330, RSMo, chapter, 331, RSMo, or this chapter.

3. The board may by rule prescribe naturopathic medical treatment procedures that naturopathic medical students may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.333, if the board determines that such procedures:

(1) May be competently performed by the student; and

(2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

4. A naturopathic medical student may do clerical tasks without supervision if the tasks do not involve diagnosing or treating a patient's condition.

5. A person shall not use the title "naturopathic medical student" or a related title or abbreviation while engaged in a clinical training program unless that person holds a certificate issued by the board to engage in such clinical training program.

6. If a student of naturopathic medicine ceases to be enrolled in an approved school of naturopathic medicine, or if the student's supervising physician withdraws from supervision of the naturopathic medical student, the certificate to engage in clinical training held by such student shall be automatically suspended.

334.312. 1. A person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is a graduate of an approved school of naturopathic medicine with a degree of doctor of naturopathic medicine and who wishes to engage in an internship program or a preceptorship program shall submit an application for certification.

2. A person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is a

graduate of an approved school of naturopathic medicine with a degree of naturopathic medicine may engage in an approved internship program or an approved preceptorship program under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 or pursuant to chapter 330, RSMo, chapter 331, RSMo, or this chapter.

3. The board may, by rule, prescribe naturopathic medical treatment procedures that a person who is a graduate of an approved school of naturopathic medicine may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 if the board determines that these procedures:

- (1) May be competently performed by the graduate; and
- (2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

334.315. 1. A doctor of naturopathic medicine may dispense a natural substance or a device to a patient for a condition being diagnosed or treated by the doctor if:

- (1) The doctor is certified by the board to dispense and such doctor's certificate has not been suspended or revoked by the board;
- (2) The substance is dispensed and properly labeled with the following dispenser information:
 - (a) The dispensing doctor's name, address, telephone number and license number issued by the board;
 - (b) The date the substance is dispensed;
 - (c) The patient's name;
 - (d) The name and strength of the substance, directions for proper and appropriate use and any cautionary statements for the substance or the device;
- (3) The dispensing doctor enters into the patient's medical record the name and strength of the substance or the device dispensed, the date the substance or the device is dispensed and the therapeutic reason;
- (4) The dispensing doctor keeps all substances and devices in a secured cabinet or room, controls access to the cabinet or room by a written procedure and maintains an ongoing inventory of its contents.

2. Before dispensing a substance or device pursuant to this section, the treating doctor shall give his or her patient or the patient's legal guardian a written statement on which appears the following statement in bold type:

"This prescription may be filled by your doctor of naturopathic medicine or by a pharmacy of your choice."

3. A doctor of naturopathic medicine shall provide direct supervision of a nurse or attendant involved in the dispensing process. In this subsection, "direct supervision" means that a doctor of naturopathic medicine is present and makes the determination as to the necessary use or the advisability of the substance or device to be dispensed.

4. The provisions of this section shall be enforced by the board. The board may conduct periodic inspections of dispensing practices to assure compliance with the section and applicable rules.

5. Nothing in this section shall prevent a licensed practical or registered nurse employed by a physician of naturopathic medicine from assisting in the delivery of substances and devices in accordance with the provisions of this chapter.

334.318. Any person who violates any provision of sections 334.300 to 334.333 is guilty of a class A misdemeanor.

334.321. The board shall not renew any certificate of registration unless the licensee shall provide satisfactory evidence that he has complied with the board's minimum requirements for continuing education. At the discretion of the board, compliance with the provisions of this section may be waived for licensed naturopathic medical doctors who have discontinued their practice of medicine because of retirement.

334.323. 1. Every person licensed under the provisions of this chapter shall renew his certificate of registration on or before the registration renewal date. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and his office and residence address and the date and number of his license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory federal agency or country; and information concerning the applicant's current physical and mental fitness to practice as a naturopathic medical doctor.

2. A blank form for application for registration shall be mailed to each person licensed in this state at his last known office or residence address. The failure to receive it does not, however, relieve any person of the duty to register and pay the fee required by the chapter nor exempt him from the penalties provided by this chapter for failure to register.

3. If a person licensed, certified, or registered by the board of healing arts does not renew such license, certification, or registration for two consecutive renewal periods, such license, certification, or registration shall be deemed void.

334.325. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the director of revenue. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board. Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

334.327. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration

or authority, permit or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter, chapter 330 or chapter 331;**
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, chapter 330 or chapter 331, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter, chapter 330 or chapter 331, or in obtaining permission to take any examination given or required pursuant to this chapter, chapter 330 or chapter 331;**
- (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, chapter 330 or chapter 331, including, but not limited to, the following:**
 - (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the naturopathic medical doctor's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;**
 - (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;**
 - (c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;**
 - (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;**
 - (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;**
 - (f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;**
 - (g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter, chapter 330 or chapter 331;**
 - (h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;**
 - (i) Exercising influence within a naturopathic medical doctor-patient relationship for purposes of engaging a patient in sexual activity;**

- (j) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;**
- (k) Failing to furnish details of a patient's medical records to other treating naturopathic medical doctors or hospitals upon proper request; or failing to comply with any other law relating to medical records;**
- (l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;**
- (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;**
- (n) Failure to timely pay license renewal fees specified in this chapter;**
- (o) Violating a probation agreement with this board or any other licensing agency;**
- (p) Failing to inform the board of the naturopathic medical doctor's current residence and business address;**
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other naturopathic medical doctor. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;**
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter, chapter 330 or chapter 331. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;**
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, chapter 330 or chapter 331, or of any lawful rule or regulation adopted pursuant to this chapter, chapter 330 or chapter 331;**
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;**
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;**
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;**
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter, chapter 330 or chapter 331 who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter, chapter 330 or chapter 331. A naturopathic medical doctor who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;**

- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;**
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;**
- (13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;**
- (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;**
- (15) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;**
- (16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208, RSMo, or chapter 630, RSMo, or for payment from Title XVIII or Title XIX of the federal Medicare program;**
- (17) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a naturopathic medical doctor or in any health care facility to the board, in writing, within thirty days after the discovery thereof;**
- (18) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a naturopathic medical doctor pursuant to sections 334.300 to 334.333, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing;**
- (19) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;**
- (20) Any person licensed to practice as a naturopathic medical doctor, requiring, as a condition of the naturopathic medical doctor-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that naturopathic medical doctor's office or other entities under that naturopathic medical doctor's ownership or control. A naturopathic medical doctor shall provide the patient with a prescription which may be taken to the facility selected by the patient and a naturopathic medical doctor may not knowingly fail to disclose to a patient on a form which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the naturopathic medical doctor has a pecuniary interest in a therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one naturopathic medical doctor to another naturopathic medical doctor within a group of naturopathic medical doctors practicing together;**
- (21) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another naturopathic medical doctor who is authorized by law to do so;**
- (22) Revocation, suspension, limitation or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not;**

(23) For a naturopathic medical doctor to operate, conduct, manage, or establish an abortion facility, or for a naturopathic medical doctor to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, RSMo, and such facility has failed to obtain or renew a license as an ambulatory surgical center;

(24) Being unable to practice as a naturopathic medical doctor or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a naturopathic medical doctor to submit to a reexamination for the purpose of establishing his or her competency to practice as a naturopathic medical doctor or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such naturopathic medical doctor's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three naturopathic medical doctors, one selected by the naturopathic medical doctor compelled to take the examination, one selected by the board, and one selected by the two naturopathic medical doctors so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licentiate graduated. However, if the naturopathic medical doctor is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any naturopathic medical doctor who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every naturopathic medical doctor licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining naturopathic medical doctor's testimony or examination reports on the ground that the examining naturopathic medical doctor's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a naturopathic medical doctor or applicant without the naturopathic medical doctor's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the naturopathic medical doctor, by registered mail, addressed to the naturopathic medical doctor at the naturopathic medical doctor's last known address. Failure of a naturopathic medical doctor to designate an examining naturopathic medical doctor to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the naturopathic medical doctor, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the naturopathic medical doctor's control. A naturopathic medical doctor whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the naturopathic medical doctor can resume the competent practice as a naturopathic medical doctor with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a naturopathic medical doctor in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated

by a naturopathic medical doctor prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of naturopathic medical doctors designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

334.329. 1. Other provisions of section 620.010, RSMo, to the contrary notwithstanding, the board shall, at least quarterly, publish a list of the names and addresses of all persons who hold licenses under the provisions of this chapter, and shall publish a list of all persons whose licenses have been suspended, revoked, surrendered, restricted, denied or withheld. The board shall mail a copy of such lists to any person, upon request.

2. Other provisions of chapter 610, RSMo, to the contrary notwithstanding, in addition, the board shall prepare and make available to the public a report upon the disciplinary matters submitted to them where the board recommends disciplinary action except in those instances when persons possessing licenses voluntarily enter treatment and monitoring programs for purposes of rehabilitation and, in these instances, only this specific action shall not be reported with any other actions taken prior to, as part of, or following voluntary entrance into such treatment programs. The report shall set forth findings of fact and any final disciplinary actions of the board. Where the board does not recommend disciplinary action, a report stating that no action is recommended shall be prepared and forwarded to the complaining party.

334.331. 1. Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

(1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.327; and

(2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.327; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3 of this section.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed

by the board within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110, RSMo, and subsection 3 of section 334.327.

8. In cases where the board initiates summary suspension or restriction proceedings against a naturopathic medical doctor licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, RSMo, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.

334.333. Any officer, agent or employee of any professional school or college, whether organized as a corporation, association, partnership, common law trust, or individually owned and operated, who knowingly permits the issuance of any diploma or any certificate of graduation from any such school or college as aforesaid to anyone, or anyone who knowingly accepts or receives such certificate or diploma, unless the recipient or beneficiary thereof has actually attended in good faith at least eighty percent of the minimum curriculum prescribed in this chapter for such character of schools in this or some other state, and has received instruction in and has satisfactorily passed all the courses and subjects purported to be required by said school for completion of its course, and has actually been granted a degree by vote of the trustees of said college or school, shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Caskey raised the point of order that SA 6 is out of order in that it goes beyond the scope and purpose of the original bill.

At the request of Senator Howard, SA 6 was withdrawn, rendering the point of order moot.

Senator Sims offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 150, Section 339.120, Line 47, by inserting after all of said line the following:

"339.501. 1. Beginning July 1, 1999, it shall be unlawful for any person in this state to act as a real estate appraiser, or to directly or indirectly, engage or assume to engage in the business of real estate appraisal or to advertise or hold himself or herself out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri real estate appraisers commission as provided in sections 339.500 to 339.549.

2. No license or certificate shall be issued pursuant to sections 339.500 to 339.549 to a partnership, association,

corporation, firm or group; except that, nothing in this section shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for, or on behalf of, a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

3. Any person who is not state licensed or state certified pursuant to sections 339.500 to 339.549 may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal; provided that, such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in sections 339.500 to 339.549 shall abridge, infringe upon or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of sections 339.500 to 339.549 shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, performs appraisals of property owned by such person, partnership, association or corporation;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion;

(3) Any employee of a local, state or federal agency who performs appraisal services within the scope of his or her employment; except that, this exemption shall not apply where any local, state or federal agency requires an employee to be registered, licensed or certified to perform appraisal services;

(4) Any employee of a federal or state-regulated lending agency or institution;

(5) Any agent of a federal or state-regulated lending agency or institution in a county of third or fourth classification;

(6) In a county of the first classification with a charter form of government and a population of at least nine hundred thousand, any person employed by the property owner or agent of the owner to represent that owner in any proceeding appealing the assessment of the owner's property as authorized pursuant to chapter 138, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6, by inserting after all of said line the following:

"320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(2) "[Common] **Consumer** fireworks", explosive devices designed primarily to produce visible or audible effects by combustion[, deflagration, or detonation]. This term includes aerial devices [containing no more than two grains (130 mg) of explosive composition or] **and** ground devices [containing no more than 50 mg of explosive composition], all of which are classified as **Fireworks, UN0336, 1.4G by regulation of the United States Department of**

Transportation, as amended from time to time, and which were formerly classified as class C [explosives] **common fireworks** by regulation of the United States Department of Transportation;

(3) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell **consumer** fireworks;

(4) "Jobber", any person engaged in the business of making sales of **consumer** fireworks at wholesale or retail, within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(5) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(6) "Permanent structure", buildings and structures **with permanent foundations** other than tents, mobile homes, and trailers;

(7) "Permit", the written authority of the state fire marshal issued [under the authority of] **pursuant to** sections 320.106 to 320.161 to sell fireworks;

(8) "Person", any corporation, association, partnership or individual or group thereof;

(9) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(10) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of **consumer** fireworks in Missouri **only** during a fireworks season as defined by subdivision (3) of this section;

(11) "Special fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as **Fireworks, UN0335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as** class B [explosives] **display fireworks** by regulation of the United States Department of Transportation;

(12) "Wholesaler", any person engaged in the business of making sales of **consumer** fireworks to any other person engaged in the business of making sales of **consumer** fireworks at retail within the state of Missouri.

320.111. 1. It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into **or within** the state of Missouri except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, jobber or seasonal retailer from the state fire marshal. Possession of said permit is a condition precedent to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the state of Missouri, except as herein provided. This provision applies to nonresidents as well as residents of the state of Missouri.

2. The state fire marshal has the authority and is authorized and directed to issue permits for the sale of fireworks. No permit shall be issued to a person under the age of eighteen years. All permits except for seasonal retailers shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December of each year.

3. Permits issued must be displayed in the permit holder's place of business. No permit provided for herein shall be transferable nor shall a person operate under a permit issued to another person or under a permit issued for another location. Manufacturer and distributor permit holders operating out of multiple locations shall obtain a permit for each location.

4. Failure to make application for a permit by May thirty-first of the calendar year may result in the fire marshal's refusal to issue a license to the licensee or applicant for such calendar year.

5. The state fire marshal is authorized and directed to charge the following fees for permits:

- (1) Manufacturer, a fee of seven hundred fifty dollars per year;
- (2) Distributor, a fee of seven hundred fifty dollars per year;
- (3) Wholesaler, a fee of two hundred fifty dollars per year;
- (4) Jobber, a fee of five hundred dollars per year per sales location;
- (5) Seasonal retailer, a fee of twenty-five dollars per year per sales location;
- (6) Special fireworks (displays), a fee of twenty-five dollars per year per location.

[5.] **6.** A holder of a manufacturer's permit shall not be required to have any additional permits in order to sell to distributors, wholesalers, jobbers or seasonal retailers, or to sell special fireworks.

[6.] **7.** A holder of a distributor's permit shall not be required to have any additional permits in order to sell to wholesalers, jobbers, seasonal retailers or to sell special fireworks.

[7.] **8.** A holder of a jobber's permit shall not be required to have any additional permit in order to sell **consumer** fireworks at retail during the fireworks season **from such jobber's permanent structure**.

[8.] **9.** All fees collected for permits issued pursuant to this section shall be paid to the Missouri department of revenue and deposited in the general revenue fund. Any person engaged in more than one permit classification shall pay one permit fee based upon the permit classification yielding the highest amount of revenue.

[9.] **10.** The state fire marshal is charged with the enforcement of the provisions of sections 320.106 to 320.161 and may call upon any state, county or city peace officer for assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire marshal may promulgate rules pursuant to the requirements of this section and chapter 536, RSMo. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

[10.] **11.** The state fire marshal, upon notification by the department of revenue, may withhold permits from applicants upon evidence that all state sales taxes for the preceding year or years have not been paid; except, this subsection shall not apply if an applicant is pursuing any proper remedy at law challenging the amount, collection, or assessment of any sales tax.

[11.] **12.** A holder of a jobber's permit shall be required to operate out of a permanent structure in compliance with all applicable building regulations in the city or county in which said person is selling **consumer** fireworks.

[12.] **13.** It is unlawful for any manufacturer, distributor, wholesaler, or jobber to sell **consumer** fireworks to a seasonal retailer who has not acquired an appropriate permit from the state fire marshal. **A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or jobber is allowed to sell consumer fireworks to such seasonal retailer, provided that such seasonal retailer is purchasing the consumer fireworks for resale in this state.**

[13.] **14.** The state fire marshal and [his] **the marshal's** deputies **or designees** may conduct inspections of any premises and all portions of buildings where fireworks are stored or being offered for sale. Licensees shall cooperate fully with the state fire marshal and [his] **the marshal's** deputies during any such inspection.

15. The state fire marshal, the marshal's designees, or any authorized police or peace officer may enter onto property accessible to the public where fireworks are offered for sale by nonlicensed persons or by persons

whose licenses are revoked or suspended.

320.116. 1. The state fire marshal may revoke any permit issued [under the provisions of] **pursuant to** sections 320.106 to 320.161 upon evidence that the holder has violated any of the provisions of sections 320.106 to 320.161.

2. The state fire marshal, in his **or her** discretion, may refuse to issue a permit, for a period not to exceed three years, to a person whose permit has been revoked as the result of a conviction for the possession or sale of illegal fireworks, as referred to in section 320.136.

3. The state fire marshal, [his] **the marshal's** deputies, **the marshal's designees** or any authorized police or peace officer shall seize as contraband any illegal fireworks as defined [under the terms of] **pursuant to** sections 320.106 to 320.161. Such illegal fireworks seized in the enforcement of sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage facilities. The person surrendering the fireworks may bring an in rem proceeding in the circuit court of the county where the fireworks were seized. Upon hearing, the circuit court may authorize the return of all or part of the confiscated fireworks or the court may authorize and direct that such contraband fireworks be destroyed. If a proceeding is not brought within thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of the provisions of sections 320.106 to 320.161.

4. Any person aggrieved by any official action of the state fire marshal affecting their licensed status including revocation, suspension, failure to renew a license, or refusal to grant a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo.

320.126. 1. Any person possessing or transporting special fireworks into the state of Missouri for the purpose of resale or to conduct a special firework display shall be licensed by the state fire marshal as a distributor.

2. Possession and sale of special fireworks shall be limited to a holder of a [federal license or permit] **federal license or a distributor or manufacturer permit** issued for special fireworks displays.

3. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a state manufacturer or distributor permit.

4. Permits for public displays for special fireworks may be granted to municipalities, fair associations, amusement parks, organizations, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. Every such display shall be located, discharged, or fired so as in the opinion of the chief of the fire department, after proper inspection, to not be hazardous to any person or property. After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for special fireworks displays shall be forwarded to the state fire marshal's office. No permit granted hereunder shall be transferable.

5. Before any permit for a [pyrotechnic] **special fireworks** display shall be issued, the municipality, fair association, amusement park, organization, firm, or corporation making application therefor shall furnish proof of financial responsibility to **the permitting authority in order to** satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" **and defined as consumer fireworks in subdivision (2) of section 320.106** other than items now or hereafter classified as ["class C common fireworks"] **Fireworks UN0336, 1.4G** by the United States Department of Transportation [or those items] that comply with the construction, chemical composition, labeling and other regulations relative to **consumer fireworks [regulation] regulations** promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public [under their] **pursuant to such commission's** regulations.

2. No retailer, dealer, or any other person shall sell, offer for sale, store, display, or have in their possession any **consumer** fireworks that have not been approved [and labeled as class C fireworks by the Interstate Commerce Commission] **as Fireworks UNO336, 1.4G by the United States Department of Transportation.**

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any **consumer** fireworks which do not have the [ICC class C label printed on the fireworks or on the smallest package in which they are sold] **numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.**

4. [The ICC class C label must be visible on the fireworks or smallest container in which they are sold. The label shall be on the fireworks, or package, or both, that is received by the general public from the dealer.

5.] This section does not prohibit a manufacturer, distributor or any other person from storing, selling, shipping or otherwise transporting [class B] **special** fireworks, **defined as Fireworks UNO335, 1.3G by the United States Department of Transportation,** provided they possess the proper licensing as specified by state and federal law.

[6.] **5.** Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. [1.] Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and various other tubular salutes which exceed the **federal** limits set for **Fireworks UNO336, 1.4G formerly known as** class C common fireworks, by the **United States** Department of Transportation for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, and use within the state of Missouri for any purpose. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020, RSMo.

[2. It is unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where such fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

3. Fireworks shall not be stored, kept or sold within fifty feet of any area in which volatile liquids or gases are stored above the surface of the ground.

4. It is unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of the place where fireworks are offered for sale.]

320.141. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at wholesale or retail by holders of a jobber's permit to nonlicensed buyers from outside the state of Missouri during a calendar year from the first day of January until the thirty-first day of December. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at retail by holders of a seasonal retail permit during the selling periods of the twentieth day of June through the tenth day of July and the twentieth day of December through the second day of January.

320.146. 1. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

2. Fireworks shall not be stored, kept or sold within fifty feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.

3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of where fireworks are offered for sale.

4. Fireworks shall not be stored, kept or sold within fifty feet of any area in which ignitable liquids or gases are stored above the surface of the ground.

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite fireworks within six hundred feet of any church, hospital, [asylum, or public] **mental health facility**, school, or within one hundred feet of a permanent structure where fireworks are stored, sold, or offered for sale.

4. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

5. No person shall ignite or discharge fireworks within three hundred feet of any gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service **or the state fire marshal.**"; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 339.507, Line 59, by inserting after all of said line the following:

"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tortfeasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon

licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tortfeasor from whom such person seeks damages or any insurance carrier which has insured such tortfeasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 through 430.250, RSMo."; and

Further amend said bill, Page 163, Section 2, Line 7, by inserting after all of said line the following:

"Section 3. If the liens of such health practitioners, hospitals, clinics or other institutions exceeds fifty percent of the amount due the patient, every health practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in fifty percent of the amount due the patient in the proportion that each claim bears to the total amount of all other liens of health practitioners, hospitals, clinics or other institutions."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6 of said page, by inserting after all of said line the following:

"301.142. 1. As used in this section the term "physically disabled" means a natural person who is a blind person, as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

(1) The person cannot walk fifty feet without stopping to rest; or

(2) The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.

2. "Temporarily disabled person" means a physically disabled person whose disability or incapacity can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4. No additional fee shall be paid to the director of revenue for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in subsection 3 of this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

5. Any physically disabled person, or the parent or guardian of any such person, or any not for profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard to be hung from the rearview mirror of a parked motor vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be two dollars and the removable windshield placard shall be renewed every year. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard shall be issued to an applicant who has not been issued disabled person license plates. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, one additional temporary windshield placard shall be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to subsection 6 of this section is supplied to the director of revenue at the time of renewal. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

6. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician which certifies that the applicant,

user, or member of the applicant's household is a physically disabled person as defined by this section. The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists **or with the state board of optometry created in section 336.130, with respect to physician's statements signed by optometrists** to determine whether the physician is duly licensed and registered pursuant to law. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director may, in cooperation with the boards which shall assist the director, establish a list of all physicians' names and of any other information necessary to administer this subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection.

7. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit an affidavit stating this fact, in addition to the physician's statement. The affidavit shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this affidavit with each application for license plates.

8. The director of revenue shall enter into reciprocity agreements with other states for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons in those states.

9. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of such person shall return the plates or placards or both to the director of revenue under penalty of law. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

10. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be two dollars.

11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by inserting immediately after said line the following:

"Section 1. Fraudulent procurement or use of disabled person license plates or windshield placards shall be a class C misdemeanor. It is a class C misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice."

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 68, Section 324.524, Line 11, by inserting after all of said line the following:

"324.560. As used in sections 324.560 to 324.605, unless the context provides otherwise, the following terms shall mean:

- (1) "Department", the department of economic development;**
- (2) "House", a dwelling, building, or other structure in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo;**
- (3) "Housemoving experience", extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least twenty-four months experience;**
- (4) "Person", an individual, corporation, partnership, association or any other business entity.**

324.563. All persons who engage in the profession of housemoving on the roads and highways of this state shall be licensed by the department of economic development.

324.566. The department shall issue licenses to applicants meeting the following conditions:

- (1) The applicant must be at least eighteen years of age, be of good moral character and demonstrate that he or she has two years of experience in moving houses;**
- (2) The applicant must furnish proof that all of the vehicles to be used in the movement of buildings, structures, or other extraordinary objects wider than fourteen feet have met the requirements of sections 307.350 through 307.400, RSMo, pertaining to the inspection of motor vehicles;**
- (3) The applicant must exhibit his federal employer's identification number; and**
- (4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

324.569. A license issued pursuant to this section shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.572. 1. No license shall be issued or renewed unless the applicant files with the department a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

- (1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;**
- (2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and**
- (3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees if the employer is licensed as a professional housemover.**

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the department a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the department of any of the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;**
- (2) Nonrenewal of the policy; or**
- (3) Any change in the policy.**

4. In addition to all coverages required by this section, the applicant shall file with the department a copy of either:

- (1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's structure for all claims for property damage arising from the movement of a structure; or**
- (2) A policy of cargo insurance in the amount of one hundred thousand dollars.**

324.575. 1. Persons licensed as professional housemovers shall also be required to secure a special permit, as provided for in subsection 6 of section 304.200, RSMo, from the director of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the director if the director determines that the applicant:

- (1) Is properly licensed;**
- (2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.572; and**
- (3) Is complying with such other regulations as required by the department of economic development.**

2. A license shall not be required for individuals moving their own buildings from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.578. 1. Application for a special permit to move a structure must be made to the director of the department

of highways and transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the director.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The director shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the director on appeal. After reviewing the route and travel plan, the director may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the director.

324.581. All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the mover, provided that arrangements for and approval from the owner is obtained.

324.584. Irrespective of the route shown on the special permit, an alternate route will be followed:

- (1) If directed by a peace officer;
- (2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or
- (3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department issuing the permit on which he is traveling prior to proceeding.

324.587. The object to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

324.590. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

324.593. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration or a permit, or unauthorized use of a permit will render the permit void.

324.596. All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

324.602. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

324.605. Any person violating sections 324.560 to 324.605 or the regulations of the department governing housemoving shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Singleton offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 59, Section 324.475, Line 12, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 59, Section 324.475, Line 14, by striking the closing bracket "]" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 11, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 12, by striking the closing bracket "]" on said line.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 2, In the Title, Line 2 of said page, by inserting immediately after "sections" the following: ", with an emergency clause"; and

Further amend said bill, page 163, section 2, line 7, by inserting immediately after said line the following:

"Section 1. 1. A physician, licensed pursuant to chapter 334, RSMo, otherwise lawfully prescribing or authorizing a refill of a prescription for any medication other than a controlled substance at any time during normal business hours during the period beginning December 1, 1999, and ending December 31, 1999, may upon request of the patient make such prescription or refill authorization for such a supply of the medication as will be sufficient to continue the treatment at least until the end of such treatment, but such supply shall not be for a longer time period than March 31, 2000, provided that:

- (1) The patient's condition for which the medication is prescribed as treatment is chronic or the medication is likely to be appropriate as treatment for the patient's condition at least until the end of such treatment; and**
- (2) The interruption of the supply of the medication before March 31, 2000, may cause substantial physical or mental discomfort or undesirable health consequences for the patient; and**
- (3) The physician does not employ this provision more than once for the same medication for the patient.**

2. This section shall expire and be of no force and effect on and after May 1, 2000.

Section 2. 1. Any coverage for prescription medication provided under any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state before, on, or after July 1, 1999, by a health care corporation, health maintenance organization, accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, or similar entity which would otherwise extend to medications prescribed pursuant to this section 1 of this act but for a limitation on the number of days' supply of medication covered under such plan, policy, or contract, shall be deemed to extend to medications prescribed pursuant to section 1 of this act notwithstanding the limitations of such plan, policy, or contract. If for purposes of applying any deductibles under such coverage a new plan year begins at any time during the period of December 1, 1999, through March 31, 2000, any amount of supply of such prescribed medication which is for use after such new plan year begins shall be applied toward the deductible for such new plan year without regard to the date the prescription was filled or refilled.

2. This section shall expire and be of no force and effect on and after May 1, 2000.

Section B. Because of the immediate need to address year-2000 compliance issues, sections 1 and 2 this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and these sections shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Section A, Line 37, by inserting immediately after said line the following:

"190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. All persons transported in a supine position in a vehicle other than an ambulance shall be attended by an

EMT-P licensed pursuant to this section. Notwithstanding any law to the contrary all patients shall be transported in an ambulance. The department shall promulgate rules regarding the provisions of this subsection."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Yeckel offered **SA 1** to **SA 15**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Line 1, by inserting after the word "subsection" the following: "**This subsection shall only apply to vehicles transporting persons for a fee.**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SA 15**, as amended, be adopted, which motion prevailed.

Senator Mueller offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 431.180, Lines 3-5, by striking all of said lines and inserting in lieu thereof the following: "pursuant to the terms of the contract."

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by adding at the end of this line, the following: "Any lobbyist who lobbies for any of the licensing provisions of this bill shall be required to obtain a license to lobby in the future. Said license to be issued by the Secretary of the Senate at her sole discretion."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, the above amendment was withdrawn.

At the request of Senator Caskey, **HCS** for **HB 343**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 274**, entitled:

An Act to repeal section 516.105, RSMo 1994, relating to statute of limitations for actions against health care providers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **HS** for **HCS** for **HB 274** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Banks	Goode	Johnson	Mueller
Staples	Stoll--6		

Absent with leave--Senator Childers--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

HCS for **HB 814**, with **SCS**, entitled:

An Act relating to escrow accounts for tobacco product manufacturers, with penalty provisions and an emergency clause.

Was taken up by Senator Quick.

SCS for **HCS** for **HB 814**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 814

An Act relating to escrow accounts for tobacco product manufacturers, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Quick moved that **SCS** for **HCS** for **HB 814** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

"Section 3. 1. An attorney shall not accept compensation for representing a client from one other than the client unless the client consents after consultation.

2. If at any time subsequent to May 15, 1998, an attorney who has been appointed Assistant Attorney General and who has rendered services for or on behalf of the State of Missouri has entered into or seeks to enter into a contract with a third person for payment of fees earned in connection with that attorney's representation of the State of Missouri, that contract shall not be valid or enforceable unless and until the State of Missouri through duly enacted legislation signed by the Governor, specifically consents to that contract.

3. Any taxpayer of the State of Missouri shall have standing and the right to file a lawsuit in the Circuit Court of the county in which said taxpayer resides to set aside any contract entered into subsequent to May 15, 1998, by any Assistant Attorney General wherein a third party undertakes the payment of fees for services rendered to or on behalf of the State of Missouri."; and

Further amend said title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Mueller, Quick, Russell and Singleton.

Senator Schneider raised the point of order that **SA 1** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

"Section 3. Any attorneys acting on behalf of the state of Missouri in a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products shall receive compensation solely pursuant to lawful appropriation by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 2** is out of order in that it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Ehlmann offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

"Section 3. Any rights to compensation of attorneys under the Tobacco Settlement shall not vest until there is state specific finality for the State of Missouri. The Attorney General shall, before state specific finality, renegotiate the

Tobacco Settlement Agreement to include the following:

STATE OPTION TO ENTER AGREEMENT FOR PAYMENT OF ATTORNEYS' FEES

This State Option to Enter Agreement for Payment of Attorneys' Fees (the "Option") is extended by the Original Participating Manufacturers to each Settling State, in partial consideration for such Settling State's entry into the Master Settlement Agreement executed by the Original Participating Manufacturers and the Settling States on November 23, 1998 (the "Agreement").

SECTION 1. *Effectiveness.*

This Option shall become effective as to each Settling State upon State-Specific Finality in such Settling State and shall remain in effect as to such Settling State until the earlier of (a) December 31, 2001 or (b) such time as the Agreement is terminated with respect to such Settling State, if ever.

SECTION 2. *Definitions.*

All definitions contained in the Model Fee Payment Agreement attached as Exhibit O to the Agreement are incorporated by reference herein. The term "STATE Outside Counsel" shall mean those Outside Counsel for the Settling State in question.

SECTION 3. *Recovery of Fee Payments by Settling States.*

(a) In the event that (i) STATE Outside Counsel have not entered into a Fee Payment Agreement with the Original Participating Manufacturers and (ii) the Settling State in question has paid attorneys' fees or costs in connection with the Action to any of those persons or entities identified in Exhibit S to the Agreement, such settling State may enter into an agreement with the Original Participating Manufacturers based on the Model Fee Payment Agreement, as modified to reflect the terms of this Option, pursuant to which such Settling State may:

(i) either (A) at any time after December 31, 1999 and subject to subsections (b), (c), (d) and (e) of this section, seek to be paid a Fee Award in the place of STATE Outside Counsel, in the same manner as and subject to the same terms and conditions as would apply to payment of a Fee Award to STATE Outside Counsel; or (B) subject to the conditions of subsections (b), (c), (d) and (e) of this section, enter into an agreement with the Original Participating Manufacturers for payment of a Liquidated Fee in the place of STATE Outside Counsel, in the same manner as and subject to the same terms and conditions as would apply to payment of a Liquidated Fee to STATE Outside Counsel; and

(ii) subject to subsections (b), (c), (d) and (e) of this section, seek reimbursement for the reasonable costs and expenses of STATE Outside Counsel, in the same manner and subject to the same terms and conditions as would apply to reimbursement of reasonable costs and expenses to STATE Outside Counsel under the Model Fee Payment Agreement.

(b) In the event that a Settling State seeks a Fee Award pursuant to subsection (a) of this section, such Settling State shall be entitled to a Fee Award that would fairly provide for full reasonable compensation of STATE Outside Counsel, as provided in section 14 of the Model Fee Payment Agreement. In determining the amount of any Fee Award sought by a Settling State pursuant to this section, the Panel shall not consider, and shall not be presented with information as to, any amounts paid or to be paid by such Settling State in connection with the Action to any of those persons or entities identified in Exhibit S to the Agreement. In the event that a Settling State seeks reimbursement for costs and expenses pursuant to subsection (a) of this section, such Settling State shall be entitled to reimbursement of reasonable costs and expenses of STATE Outside Counsel incurred in connection with the Action, as provided in section 19 of the Model Fee Payment Agreement.

(c) Payments to any Settling State in satisfaction of any Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section shall be limited to the amount of attorneys' fees or costs for the Action that have actually been paid by such Settling State to any of those persons or entities identified in Exhibit S to the Agreement.

(d) No payment shall be made to any Settling State in satisfaction of a Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section.

(i) if STATE Outside Counsel subsequently enter into a Fee Payment Agreement with the Original Participating Manufacturers, until such time as any Liquidated Fee, Fee Award or Cost Settlement of STATE Outside Counsel (A) has been determined and (B) has been paid in full.

(ii) if any person or entity identified in Exhibit S to the Agreement by the Attorney General of the Settling State in question (or as certified by the office of the governmental prosecuting authority, in the case of a Litigating Political Subdivision) files any claim in any way related to the Action against any Original Participating Manufacturer or any Related Person, until such claim (A) has been finally resolved and is no longer subject to court review and (B) has been paid in full, in the event of any liability by such Original Participating Manufacturer or Related Person.

(e) Any amounts to be paid to any Settling State in satisfaction of any Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section shall be reduced, on a dollar-for-dollar basis, for (A) any payments made to STATE Outside Counsel by the Original Participating Manufacturers in satisfaction of any Liquidated Fee, Fee Award or Cost Statement of STATE Outside Counsel pursuant to any Fee Payment Agreement entered into between STATE Outside Counsel and the Original Participating Manufacturers, and (B) any payment made by any Original Participating Manufacturer or Released Person on any claim described in paragraph (ii) of subsection (d) of this section.

IN WITNESS WHEREOF, the Original Participating Manufacturers, through their fully authorized representatives, have made this Option as of this 23rd day of November, 1998.

PHILIP MORRIS INCORPORATED

By: /s/ Meyer G. Koplow

Counsel

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Howard, Jacob, Ehlmann and Russell.

SSA 1 for SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--14		
NAYS--Senators			
Bland	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Staples
Wiggins--17			
Absent--Senators			
Banks	Stoll--2		
Absent with leave--Senator Childers--1			

SA 2 was again taken up.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Ehlmann, Mueller and Singleton.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--14		
NAYS--Senators			
Banks	Bland	Caskey	Clay
DePasco	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Staples
Wiggins--17			
Absent--Senators			
Goode	Stoll--2		
Absent with leave--Senator Childers--1			

Senator Quick moved that **SCS** for **HCS** for **HB 814** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HCS** for **HB 814** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Kinder	Steelman--2		
Absent--Senators			
Goode	Stoll--2		
Absent with leave--Senator Childers--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach

Russell
Singleton
Yeckel--29

Schneider
Staples

Scott
Westfall

Sims
Wiggins

Kinder

NAYS--Senators
Steelman--2

Goode

Absent--Senators
Stoll--2
Absent with leave--Senator Childers--1

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 7**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 219**, entitled:

An Act to repeal section 138.431, RSMo 1994, relating to ad valorem taxation, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 8, 9 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.130**" and further amend said bill, page 1, section A, line 1, by adding section "137.130", and further amend said bill, page 1, line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**", and further amend said bill, page 1, line 2, by adding the section "**137.130**", and further amend said bill, page 1, section 137.100, line 1, by adding said section:

"137.130. Whenever there shall be any taxable **personal** property in any county, and from any cause no list thereof shall be given to the assessor in proper time and manner, the assessor shall [himself] make out the list, on [his] **the assessor's** own view, or on the best information [he] **the assessor** can obtain; and for that purpose [he] **the assessor** shall have lawful right to enter into any lands and make any examination and search which may be necessary, and may examine any person upon oath touching the same. **The assessor shall list, assess and cause taxes to be imposed upon omitted taxable personal property in the current year and in the event personal property was also subject to taxation in the immediately prior year, but was omitted, the assessor shall also list, assess and cause taxes to be imposed upon such property.**".

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, Line 2, by deleting the phrase

"section 138.431, RSMo 1994," and inserting in lieu thereof the phrase "sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the phrase "Section 138.431, RSMo 1994, is repealed and twelve" and inserting in lieu thereof the following: "Sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998, are repealed and sixteen"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the word "sections" the numbers "137.130, 137.720, 137.750,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "137.1030" the number ", 138.395"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"137.720. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required [under] **pursuant to** section 137.750. The percentage shall be one-half of one percent for all counties of the first and second [class] **classification** and cities not within a county and one percent for counties of the third and fourth [class] **classification**. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided [under] **pursuant to** section 137.750, every county shall provide [all moneys necessary to assure that the fund is at least equal to the amount of moneys available for assessment purposes in the previous year] **from the county general revenue fund, an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund**, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

137.750. 1. If a county has an assessment maintenance plan approved [under] **pursuant to** section 137.115, a portion of all the costs and expenses of the assessor of each county and each city not within a county, incurred for the current quarter in performing all duties necessary to assess and maintain equalized assessed valuations of real property, making real and personal property assessments and preparing abstracts of assessment lists, shall be reimbursed by the state. The state shall reimburse up to [one-half] **sixty percent** of all the current and past unreported quarterly costs and expenses of the assessor of each county and each city not within a county based on compliance with the state tax commission approved assessment and equalization maintenance plan. The state shall reimburse each eligible county a minimum of three dollars per parcel for up to twenty thousand parcels, but no further reimbursements shall be made until the county has expended [an equal] **at least two-thirds of that** amount of money for assessment maintenance from its assessment fund. The [maximum] annual state reimbursement to any county [under] **pursuant to** this section in [1986] **2000** shall [not exceed five dollars and fifty cents] **be seven dollars** per parcel of real property in the county and each year thereafter such maximum amount may be increased by up to three percent, but the amount reimbursed by the state shall not exceed [one-half] **sixty percent** of the actual costs and expenses incurred, except that counties entitled to only the three-dollar per parcel minimum shall receive one-fourth of the state's contribution each quarter.

2. The governing body of each county and city not within a county which seeks or will seek reimbursement under any provision of this section or section 137.720 shall establish a fund to be known as the "Assessment Fund", to be used solely as a depository for funds received by the county or city pursuant to this section and sections 137.037 and 137.720, from the general revenue fund of the county or other sources for the purpose of funding the costs and expenses incurred in implementing an assessment and equalization maintenance plan approved under section 137.115 and for assessing real and personal property.

3. All counties and cities not within a county seeking state funds under this section shall submit a certified copy of

their costs and expenses to the commissioner of the office of administration not later than the thirtieth day of the quarter immediately following the quarter for which such state funds are sought. The commissioner of the office of administration shall, in such form as may be prescribed by rule, certify that the county requests for reimbursement are consistent with the assessment and equalization maintenance plan approved by the state tax commission as provided in section 137.115, and shall pay the state's share out of funds appropriated for that purpose quarterly to each eligible county and city to reimburse such county or city for reimbursable costs and expenses incurred in the previous calendar quarter.

4. (1) The following costs and expenses shall not qualify for state reimbursement or reimbursement from tax moneys withheld from political subdivisions:

- (a) Premiums for property and casualty insurance and liability insurance;
- (b) Depreciation, interest, building and ground maintenance, fuel and utility costs, and other indirect expenses which can be classified as the overhead expenses of the assessor's office;
- (c) Purchases of motor vehicles;

(2) Costs and expenses which shall qualify for state reimbursement, but only if identified in the county maintenance plan and subsequently specifically approved by the state tax commission, shall include:

- (a) Salaries and benefits of data processing and legal personnel not directly employed by the assessor;
- (b) Costs and expenses for computer software, hardware, and maintenance;
- (c) Costs and expenses of any additional office space made necessary in order to carry out the county's maintenance plan;
- (d) Costs of leased equipment;
- (e) Costs of aerial photography."; and

Further amend said bill, Page 5, Section 137.1030, Line 5, by inserting after all of said line the following:

"138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days [prior to] **before** the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent [thereof] **of the commission**, on such ratio [prior to] **before** such certification. [Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent.] On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one [and two-thirds] percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one [and two-thirds] percent **and has been for the two preceding years**, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission."

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of

this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and
 - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such property.

11. There shall be a homestead exemption on certain properties as follows:

- (1) Any person owning and residing on real property which qualifies as a homestead, as defined in section 135.010, RSMo, who is at least sixty-five years of age shall be granted a homestead exemption under the authority granted pursuant to section 6(a) of article X of the Missouri Constitution for the years succeeding the year in which the exemption is filed and in the manner and amount prescribed in this subsection;**
- (2) The exemption shall be for that portion of the assessed valuation of the homestead which exceeds the assessed valuation of the homestead in the year the owner reaches sixty-five years of age or on the effective date of this section, whichever is later;**
- (3) An eligible property owner may file for such an exemption with the county clerk on a form provided by the state tax commission by June first of the year preceding the first year for which the exemption is to be made. The property owner filing the form shall sign such form attesting to the truth of the information provided by such owner. If the property for which the homestead exemption is sought has joint owners, then any such joint owner may file for the exemption. When any joint owner has elected to file for an exemption all other joint owners shall be bound by such election and the other joint owners shall not subsequently be eligible to file for an exemption for the jointly owned property. No provisions of this section shall be construed to deny the granting of an exemption to property owned by married joint owners when only one of such owners is eligible for the exemption. The applicant shall file a copy of the person's birth certificate with the county clerk to establish eligibility for the exemption. Once an exemption has been granted, the property owners who filed for the exemption shall not be required to refile for any succeeding year and the property shall remain exempted unless or until the property has a new owner or pursuant to subdivision (6) of this subsection;**
- (4) The county clerk shall verify from the birth certificate and form that the applicant is eligible for such exemption, and if the applicant is so eligible, the county clerk shall notify the county assessor, county collector and the state tax commission. In addition, the county clerk shall annually deliver to each political subdivision or other taxing jurisdiction which has levied ad valorem property taxes on the properties for which exemptions are granted under this section a listing of each parcel of real property for which the exemptions are granted;**
- (5) Any exemption granted pursuant to this subsection shall have no effect on the tax levied for the blind pension fund, pursuant to section 38(b) of article III of the Missouri Constitution, on the property for which the exemption is granted. The tax, however, shall not be collected from the person granted the exemption but a payment in lieu of such tax shall be made by the county within which such property lies. The county shall be reimbursed pursuant to subdivision (5) of this subsection for any revenues lost due to this subdivision;**
- (6) Pursuant to the requirements of sections 6(a) and 16 of article X of the Missouri Constitution, any taxing jurisdiction or political subdivision shall recover the loss of revenue caused by this subsection from the state. The state tax commission shall certify to the commissioner of administration to issue vouchers to any such taxing jurisdiction or political subdivision upon the availability of appropriations. Each calendar year beginning in 1998 the state tax commission shall estimate the total loss of revenue to all taxing jurisdictions and political subdivisions in the next succeeding year resulting from the homestead exemptions granted in the current year. The state tax commission shall report such estimate to the general assembly before February first of every year. If the general assembly determines there will be insufficient total state revenues, as defined by section 17 of article X of the Missouri Constitution, for the taxing jurisdictions and political subdivisions of the state to recover the estimated loss of revenue caused by the homestead exemption the general assembly may declare that there will be no homestead exemption for the succeeding year."; and**

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 219, Page 4, Line 120, by inserting after the word "later;" the following:

"(3) Any owner of the real property has a Missouri adjusted gross income not in excess of twenty-five thousand dollars on the most recently filed single return or not in excess of fifty thousand dollars on the most recently filed combined return; and

(4) The owner of the real property attests that the property shall, in the year for which the homestead exemption is requested, have no improvements or new construction made to such property which have a value equal to fifteen percent or greater of the property's market value prior to the improvements or new construction."; and

Further amend said bill by renumbering the section.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.100**"; and

Further amend said bill, page 1, section A, line 1, by adding section "**137.100**"; and

Further amend said bill, page 1, line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**"; and

Further amend said bill, page 1, line 2, by adding the section "**137.100**"; and

Further amend said bill, page 1, section 137.1000, line 1, by adding said section:

"Section A. Section 137.100, RSMo 1994, is repealed and one new section enacted in lieu thereof to be known as section 137.100, to read as follows:

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for-profit agribusiness associations**;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5 by inserting after all of said section the following:

"138.430. 1. Every owner of real property or tangible personal property shall have the right to appeal from the local boards of equalization to the state tax commission under rules prescribed by the state tax commission, within the time prescribed in this chapter or thirty days following the final action of the local board of equalization, whichever date later occurs, concerning all questions and disputes involving the assessment against such property, the correct valuation to be placed on such property, the method or formula used in determining the valuation of such property, or the assignment of a discriminatory assessment to such property. The commission shall investigate all such appeals and shall correct any assessment or valuation which is shown to be unlawful, unfair, improper, arbitrary or capricious. Any person aggrieved by the decision of the commission may seek review as provided in chapter 536, RSMo.

2. In order to investigate such appeals, the commission may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property. The commission may make its decision regarding the assessment or valuation of the property based solely upon its inquiry and any evidence presented by the parties to the commission, or based solely upon evidence presented by the parties to the commission.

3. Every owner of real property or tangible personal property shall have the right to appeal to the circuit court of the county in which the collector maintains his office, from the decision of the local board of equalization not later than thirty days after the final decision of the board of equalization concerning all questions and disputes involving the exclusion or exemption of such property from assessment or from the tax rolls pursuant to the Constitution of the United States or the constitution or laws of this state, or of the taxable situs of such property. The appeal shall be as a trial de novo in the manner prescribed for nonjury civil proceedings.

4. Upon the timely filing of an appeal as provided in this section, the state tax commission or the clerk of the circuit court, as applicable, shall send to the county collector to whom the taxes on the property involved would be due, a notice that an appeal has been filed, which notice shall contain the name and address of the taxpayer filing the appeal.

5. If the circuit court, after review of the appeal, finds that the appeal is not a proper subject for the appeal to the circuit court as provided in subsection 3 of this section, it shall transfer the appeal to the state tax commission for consideration.

6. Upon a determination that the assessor's decision was frivolous, the taxpayer shall be awarded costs of appeal and reasonable attorney's fees."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

"Section 1. In the event that an assessor incorrectly or inaccurately assesses real or personal property of a taxpayer, the assessor shall refund to the affected taxpayer any taxes which were found to be incorrectly or inaccurately levied together with interest at a rate provided for in section 32.065, RSMo.;" and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

"Section 1. Beginning January 1, 2000, no county or any other political subdivision shall increase its property tax revenues in excess of those defined pursuant to section 22 of Article X of the Missouri Constitution, other than through the vote of the people or through new construction."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by adding after said line the following:

"Section 1. Any waiver of a property tax rollback as provided in section 164.013, RSMo, shall only apply to the total assessments of the year in which the waiver of the rollback was approved.";

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 467**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 5, Section 50.1030, Line 48, by deleting the phrase "**subsection 4 of**"; and

Further amend said bill, Page 7, Section 50.1040, Lines 3 and 4 by deleting the phrase "**subdivision (9) of**"; and

Further amend said bill, Page 11, Section 50.1090, Line 62, by deleting the number "50.1200" and inserting in lieu thereof the following: "[50.1200] **50.1300**"; and

Further amend said bill, Page 11, Section 50.1090, Line 73, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**"; and

Further amend said bill, Page 11, Section 50.1090, Line 79, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**".

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 4, Section 50.1030, Lines 3, 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: "**system** are vested in a board of directors of [nine] **eleven** persons. **Nine** directors shall be elected by a secret ballot vote of the county employee members of this state. **Two directors, who have no beneficiary interest in the system, shall be appointed by the governor, with the advice and consent of the Senate.** No more than one director at any one time shall be [a representative of] **employed by** the same elected county"; and

Further amend said bill, Page 4, Section 50.1030, Line 7, by inserting an opening bracket "[" immediately in front of the word "except"; and

Further amend said bill, Page 4, Section 50.1030, Line 10, by inserting a closing bracket "]" immediately after the word "year"; and

Further amend said bill, Page 4, Section 50.1030, Line 11, by deleting the word "initial" and inserting in lieu thereof the word "[initial]".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 309**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 261, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with a termination date"; and

Further amend said bill, Page 1, Section 94.655, Line 6, by inserting after all of said line the following:

"Section B. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2004.".

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 736, regarding the New Sunny Mount Baptist Church, St. Louis, which was adopted.

Senator Westfall offered Senate Resolution No. 737, regarding Ethan Mark, Pierce City, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SB 443, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Dusty Grooms, Alicia Bizzell, Melinda Odom and Kelonia Clay, Caruthersville; and Melinda and Kelonia were made honorary pages.

On behalf of Senator Stoll and himself, Senator Staples introduced to the Senate, seventh grade students from Sunrise School, DeSoto; and Seth Sylvester, Kyle Porter, Heather Allen and Tyler Jackson were made honorary pages.

Senator Maxwell introduced to the Senate, Kristi, Savannah and Madison Smith, Kansas; Jeff Stack, Columbia; and Tom Block, St. Louis.

Senator DePasco introduced to the Senate, thirty-four seventh and eighth grade students from Nativity School, Independence; and Megan Carnes, Emilie Pribyl, Andrea Minton and Mark Schuber were made honorary pages.

Senator Sims introduced to the Senate, Deborah Willis and thirty-two fourth grade students from Community School,

St. Louis.

Senator Steelman introduced to the Senate, Ginny Dumond, Joplin.

Senator Rohrbach introduced to the Senate, Billie Litton and eighth grade students from Blackwater R-II School, Blackwater.

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Robert Schneider, D.O., Memphis.

Senator Westfall introduced to the Senate, Mrs. Feree, Mrs. Mutch, Mrs. Rice and one hundred fourth grade students from Truman Elementary School, Nevada; and D.J. McQuay, Jake Holmes, Becky Arneson and Drew Shepherd were made honorary pages.

Senator Graves introduced to the Senate, Wayne Taylor, Paul Jones, Roberta Aley, Roy Brown, Earl Baker and Linda Pitzenberger, Nodaway County.

Senator DePasco introduced to the Senate, thirty-five seventh grade students from Messiah Lutheran School, Independence; and Emmalee Miller, Jennifer Holloway and Jessica Stewart were made honorary pages.

Senator Caskey introduced to the Senate, Ann Sullivan and thirty-five eighth grade students from Strasburg School, Strasburg.

Senator Stoll introduced to the Senate, Monica Bates and fifteen sixth grade students from St. John's Lutheran School, Arnold.

Senator Caskey introduced to the Senate, Wendy and Wendell Ivers, Belton.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 28, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Heavenly Father: You have brought us to this time where deliberations must give way to decisions whether each bill presented is helpful in the furtherance of Your kingdom or not. So we pray that You will stir up Your Holy Spirit within us so that we may make such decisions, strengthened by Your presence, renewed in spirit and faithfulness, and empowered for service according to Your will for us. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 738, regarding Nicholas Paul Castle, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 739, regarding Adam Jennings Castle, Blue Springs, which was adopted.

Senator Bland offered Senate Resolution No. 740, regarding the One Hundredth Birthday of Ms. Lulu B. Johnson

Fielder, North Kansas City, which was adopted.

Senators Schneider and Bentley offered Senate Resolution No. 741, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orville Ables, Rogersville, which was adopted.

Senator Schneider offered Senate Resolution No. 742, regarding Laurie B. Donovan, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 743, regarding John and Betty Conley, Bellefontaine Neighbors, which was adopted.

Senator Schneider offered Senate Resolution No. 744, regarding Andrew Laws and his dog, Rainbow, which was adopted.

Senator Johnson assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 867, with **SCA 1**, introduced by Representative McKenna, entitled:

An Act to amend chapter 336, RSMo, relating to powers of the board of optometry by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 867**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 979, introduced by Representative Auer, entitled:

An Act to repeal section 169.450, RSMo Supp. 1998, relating to the public school retirement systems in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

President Pro Tem Quick assumed the Chair.

On motion of Senator Scott, **HB 979** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 775, with **SCS**, introduced by Represen-tative Hosmer, entitled:

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 775**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 775

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 775** be adopted.

At the request of Senator Bentley, the above motion was withdrawn.

HB 152, with **SCS**, introduced by Represen-tative Leake, et al, entitled:

An Act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

Senator Johnson assumed the Chair.

SCS for **HB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 152

An Act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 152** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 152** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Quick	Singleton--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 327, introduced by Representative Parker, entitled:

An Act to repeal section 552.040, RSMo Supp. 1998, relating to criminal competency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 327** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Bland	Rohrbach--2		
	Absent--Senators		
Mathewson	Mueller	Quick	Singleton--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 268, introduced by Representative Crawford, et al, entitled:

An Act to repeal section 190.307, RSMo 1994, relating to civil liability of certain emergency telephone service providers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 268** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
House	Howard	Mueller	Quick
Schneider	Singleton--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 256**, entitled:

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HS** for **HCS** for **HB 256** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Mueller	Singleton--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 792, with **SCS**, introduced by Represen-tatives Kissell and McKenna, entitled:

An Act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 792**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 792

An Act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 792** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 792** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey

Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Stoll--1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 334** and request the House to recede from its position and take up and pass the bill and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator DePasco announced that photographers from KSDK-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 618**, with **SCS**, entitled:

An Act relating to the health care needs of the elderly.

Was taken up by Senator Maxwell.

SCS for **HS** for **HCS** for **HB 618**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 618

An Act relating to the health care needs of the elderly.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HCS** for **HB 618** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HCS** for **HB 618**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 618

An Act to repeal section 198.070, RSMo 1994, relating to the health care needs of the elderly, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 618** be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 13, Section 7, Line 22, by deleting the word "four" and place in lieu thereof the word "six".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 1, Section A, Line 3 of said section, by inserting immediately after said line the following:

"103.083. The board shall provide or contract, or both, on its own behalf, for medical benefits coverage and services for persons covered under sections 103.003 to 103.175 and enrolled in the plan; **provided however, that such provision or contract, or both shall be:**

(1) Made or renewed for a term no longer than twenty-four (24) months; and

(2) For medical benefits coverage and services of persons covered pursuant to sections 103.003 to 103.175, and enrolled in the plan, shall be based upon actuarial analysis and retrospective loss experience of the participating member agencies enrolled in the plan. The board may contract for medical benefits coverage with alternative delivery health care programs where available. Medical expenses shall also include expenses for comparable benefits for employees who rely solely on spiritual means through prayer for healing.

103.130. Each participating member agency may elect by majority vote of its governing body, to join the plan and cover its employees, retirees, and their dependents under the plan as follows:

(1) The clerk or secretary of the participating member agency shall certify the election to the board within ten working days after the vote of the governing body;

(2) The board shall establish a procedure for considering the election of the agencies. Acceptance of the agency into the plan shall be by action of the board and shall be based upon an actuarial analysis [or any other determination that the board deems appropriate] **of the agency's experience, and the impact of such experience upon the health care**

plans providing coverage to the Missouri consolidated health care plan, if said agency is accepted into the plan;

(3) The agency shall supply all available information requested by the board that is necessary to complete an actuarial analysis of the agency and make a determination of the fiscal impact that inclusion of the agency would have on the plan;

(4) The effective date of the participating member agency's coverage will be the first day [of the month so requested by the agency and approved by the board] **of the year following open enrollment and acceptance of the application of an agency pursuant to this section, to be accepted into the plan;**

(5) The participating member agency must offer coverage under the plan to all of its eligible employees, retirees, and dependents."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 6, Section 1, Lines 6-7, by striking all of said lines after the word "a", and inserting in lieu thereof the following: **"rate of reimbursement not less than the Medicare allowable rate pursuant to Medicare rules and regulations."**

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Sims offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Pages 6 and 7, Section 2, Lines 23-25 of page 6 and lines 1-21 of page 7, by deleting all of Section 2; and further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 1, Section A, Line 3, by inserting after all of said line the following:

"197.715. 1. For the purposes of this section, "continuing care retirement community" means a facility that provides services, either at the same site or at another location including, but not limited to independent housing, day care, ambulatory care, and long-term health care to older persons not related by blood or marriage to the owner or operator of the facility under an agreement with the person effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services.

2. The provisions of sections 197.300 through 197.366 shall not apply to and a certificate of need shall not be required for any facility operating as a continuing care retirement community within this state."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 5** is out of order in that the amendment exceeds the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Mathewson assumed the Chair.

SA 5 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 15, Section 7, Line 1, by inserting after all of said line the following:

"8. No Alzheimer's treatment facility shall be subject to the provisions of sections 197.300 to 197.365, RSMo, if that facility is:

- (1) Classified, pursuant to section 89.020, RSMo, as a single family dwelling or residence in which eight or fewer unrelated mentally or physically disabled persons reside;**
- (2) Located within a county of the first classification having a charter form of government with a population of at least nine hundred thousand; and**
- (3) Whose occupants do not receive any form of Medicaid or Medicare funding."**

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 618**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HCS** for **SCS** for **SB 234**; and **HCS** for **SCS** for **SB 218**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 248** and has taken up and passed **CCS** for **SCS** for **HB**

248.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 79** and has again taken up and passed **SCS** for **HB 79**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and for operating expenses of the Senate and the House of Representatives and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1999 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 16**, entitled:

An Act to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 25**.

Bill ordered enrolled.

President Pro Tem Quick assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 234**; and **HCS** for **SCS** for **SB 218**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SB 234**; and **HCS** for **SCS** for **SB 218**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to recede from its position on **SCS** for **HB 789** and grant the House a conference thereon, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 436**, entitled:

An Act to repeal sections 190.307 and 320.320, RSMo 1994, and sections 67.582, 190.044, 190.060, 321.220, 321.242, 321.600 and 650.330, RSMo Supp. 1998, relating to certain emergency services, and to enact in lieu thereof fourteen new sections relating to the same subject.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 10, Section 190.044, Line 19 of said page, by deleting the words "**ambulance service**" and inserting in lieu thereof the words "**city or entity**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 334** and grants the Senate a conference thereon, and the conferees be allowed to exceed the differences in the bill, section 644.143, line 17 (5), by adding after the word "other" the word "scientific".

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 334**: Representatives Wiggins, May (108), Foley, Marble, Crawford.

Senator Clay assumed the Chair.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 436**, as amended, and request the House to recede from its position and take up and pass the bill and failing to do so grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Caskey moved that **SB 276**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 276**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 276

An Act to repeal sections 205.374 and 360.060, RSMo 1994, and sections 205.190, 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to health and educational facilities, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Caskey moved that **HCS** for **SB 276** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bland	Goode	Schneider--4
Absent with leave--Senators--None			

On motion of Senator Caskey, **HCS** for **SB 276** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall

Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Johnson	Schneider	Singleton--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Howard	Singleton--3	
	Absent with leave--Senators--None		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that the conferees on **HCS** for **SCS** for **SB 334** be allowed to exceed the differences by adding the word "scientific", which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 334**: Senators Mathewson, Howard, Johnson, Kenney and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 789**: Senators Mathewson, Stoll, Howard, Childers and Flotron.

PRIVILEGED MOTIONS

Senator Wiggins moved that **SB 348**, with **HA 1**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1, as amended, was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

On motion of Senator Wiggins, **SB 348**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Rohrbach--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 745, regarding the fourth grade students of Forsyth School, St. Louis, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 746

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Evelyn R. Gabhart, of Kansas City; and

WHEREAS, Mrs. Gabhart, a native of Kimeo, Washington County, Kansas, lived in Kansas City for over seventy years; and

WHEREAS, Mrs. Gabhart was married in 1935 to Francis M. Gabhart and they were the proud parents of four daughters and two sons; and

WHEREAS, Mrs. Gabhart was exceptionally close to members of the legal profession, having served as a legal secretary for the firm of Swanson, Midgley for 33 years prior to her retirement in 1987; and

WHEREAS, Mrs. Gabhart was extremely proud of her Irish heritage, was a longtime faithful member of Christ the King Catholic Church and formerly of St. Theresa the Little Flower Catholic Church, was a member of Our Lady's Flame of Love Prayer Group and the Fatima Rosary Group, and gave great living public testimony to her faith by her pilgrimages to Medjugorje and Rome; and

WHEREAS, Mrs. Gabhart was most of all a kind and loving wife, mother, grandmother, and great grandmother in whose heart and love her family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of Mrs. Evelyn R. Gabhart, express their appreciation for her lifetime of good citizenship and her contributions to Kansas City and to Missouri, and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for her daughters, Charlene Klebenstone, Jane Blando, Diane Morris, and Mary Patricia Biondo; her sons, Michael T. Gabhart, and Gerald L. Gabhart and the Swanson, Midgley Law Firm.

HOUSE BILLS ON THIRD READING

Senator Banks requested unanimous consent of the Senate to take **HS** for **HB 454**, with **SCS**, up for 3rd reading and final passage out of order, which request was granted.

HS for **HB 454**, with **SCS**, introduced by Representative Carter, entitled:

An Act to repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Banks.

SCS for **HS** for **HB 454**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 454

An Act to repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Banks moved that **SCS** for **HS** for **HB 454** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **HS** for **HB 454** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

At the request of Senator Mathewson, **HCS** for **HB 888**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 349**, with **SCS**, entitled:

An Act relating to the family development account program.

Was taken up by Senator Clay.

SCS for **HCS** for **HB 349**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 349

An Act relating to the family development account program.

Was taken up.

Senator Clay moved that **SCS** for **HCS** for **HB 349** be adopted.

Senators Schneider and Ehlmann offered **SS** for **SCS** for **HCS** for **HB 349**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 349

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to taxation.

Senator Schneider moved that **SS** for **SCS** for **HCS** for **HB 349** be adopted.

At the request of Senator Clay, **HCS** for **HB 349**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HJR 5, with **SCA 1**, introduced by Representative Barry, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district bond elections and adopting one new section in lieu thereof

relating to the same subject.

Was taken up by Senator Stoll.

SCA 1 was taken up.

Senator Stoll moved that the above amendment be adopted.

Senator Stoll offered **SSA 1** for **SCA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE COMMITTEE AMENDMENT NO. 1

Amend House Joint Resolution No. 5, Page 2, Section 26(b), Line 9, by striking the words "for all election days" and inserting in lieu thereof the following: "**at the general municipal election day, primary or general elections**".

Senator Stoll moved that the above amendment be adopted.

At the request of Senator Stoll, **HJR 5**, with **SCA 1** and **SSA 1** for **SCA 1** (pending), was placed on the Informal Calendar.

HS for **HB 450**, with **SCS**, was placed on the Informal Calendar.

HB 468, with **SCS**, introduced by Representative Koller, entitled:

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Staples.

SCS for **HB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 468

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof eight new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Staples moved that **SCS** for **HB 468** be adopted.

At the request of Senator Staples, **HB 468**, with **SCS** (pending), was placed on the Informal Calendar.

HS for **HB 162**, introduced by Representative Luetkenhaus, entitled:

An Act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to unemployment insurance, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator House.

At the request of Senator House, **HS** for **HB 162** was placed on the Informal Calendar.

At the request of Senator Scott, **HB 65**, with **SCS**, was placed on the Informal Calendar.

HB 779, with **SCS**, was placed on the Informal Calendar.

Senator DePasco requested unanimous consent of the Senate to have the following proclamation read and printed in the Journal, which request was granted.

Office of the Governor

State of Missouri

Proclamation

WHEREAS, each year thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, during Fiscal Year 1998, 139 Missouri workers were killed and 139,024 more were injured in the workplace; and

WHEREAS, the AFL-CIO has chosen April 28, 1999, to be "Workers Memorial Day" in remembrance of the victims of workplace injuries and disease; and

WHEREAS, in support of Workers Memorial Day, the State of Missouri will rededicate itself to improving safety and health in every workplace through stronger safety and health protections, better standards and enforcement, and fair and just compensation:

NOW, THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, do hereby proclaim April 28, 1999, to be

WORKERS MEMORIAL DAY

in Missouri and urge the citizens of our state to join in the observance by recognizing workers who have been killed, injured and disabled on the job.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 26th day of February, 1999.

/s/ Mel Carnahan

Governor

(Seal) Attest:

/s/ Rebecca McDowell Cook

Secretary of State

The Senate stood for a moment of silent prayer.

HS for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS**, entitled:

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

Was taken up by Senator House.

SCS for **HS** for **HCS** for **HBs 427, 40, 196** and **404**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 427, 40, 196 and 404

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly referred to as "partial birth abortion", with penalty provisions.

Was taken up.

Senator House moved that **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** be adopted.

Senator Mathewson assumed the Chair.

Senator House offered **SS** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 427, 40, 196 and 404

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

Senator House moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** be adopted.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Section 565.300, Page 1, Line 8, by deleting the words "**, irrespective of the duration of pregnancy,**"; and add: "**of an infant after viability has been achieved,**"; and

Further amend said bill, page 2, Section 565.300, line 4, by striking the words "**, irrespective of the duration of pregnancy,**" and add "**of an infant after viability has been achieved,**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 310**, entitled:

An Act to repeal sections 142.029, 267.610 and 311.190, RSMo 1994, and sections 261.105 and 276.401, RSMo Supp.

1998, and section 267.610, as it appeared in RSMo 1986, relating to the department of agriculture, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word and number "and 11" and inserting in lieu thereof the following: ", 11, 12, 13, 14 and 15"; and

Further amend said bill, Page 21, Section 11, Line 2 of said page, by inserting after all of said line the following:

"Section 12. As used in sections 12 to 15 of this act, the following terms mean:

- (1) "Alternative fuel", the same meaning as in section 414.400, RSMo;**
- (2) "Division", the division of energy of the department of natural resources;**
- (3) "Fueling station", the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;**
- (4) "Fund", the Missouri alternative fuel vehicle loan fund;**
- (5) "Incremental cost", the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;**
- (6) "Political subdivision", any county, township, municipal corporation, school district or other governmental unit in this state, but not including any state agency as such term is defined in section 536.010, RSMo; and**
- (7) "Vehicle fleet", any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301, RSMo.**

Section 13. 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

- (1) Purchase of new motor vehicles capable of using alternative fuels;**
- (2) Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and**
- (3) Construction of fueling stations capable of dispensing alternative fuels.**

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively

with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 12 to 15 of this act. No rule or portion of a rule promulgated pursuant to sections 12 to 15 of this act shall take effect unless it has been promulgated pursuant to chapter 536, RSMo.

Section 14. 1. Using the fund created in section 15 of this act, the division shall provide loans of:

- (1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;
- (2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and
- (3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 12 to 15 of this act. In establishing the repayment schedule, the division shall consider the projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 12 to 15 of this act shall:

- (1) Remit payments on the repayment schedule established by the division;
- (2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;
- (3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;
- (4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and
- (5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.

Section 15. 1. There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 12 to 15 of this act including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 12 to 15 of this act.

2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be

credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

3. The fund shall be used solely for the purposes of sections 12 to 15 of this act and for no other purpose."

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 310, Page 15, Section 1, Line 24 of said page, by inserting immediately after the word "agency" the following: ", **any cattle buyer who purchases twenty or fewer cattle per day or one hundred or fewer cattle per week, any hog buyer who purchases fifty or fewer hogs per day or two hundred fifty or fewer hogs per week, or any sheep buyer who purchases fifty or fewer sheep per day or two hundred fifty or fewer sheep per week**"; and

Further amend said bill, Page 17, Section 6, Line 22 of said page, by deleting the word "twenty" and inserting in lieu thereof the word "**fourteen**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

"6. In the event a federal law regarding livestock price reporting becomes effective, the department of agriculture shall immediately adopt such rules as are necessary to permit Missouri producers and packers to remain economically competitive with producers and packers in other states."

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

"6. Sections 1 to 6 of this act shall expire December 31, 2002."

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 310, Page 16, Section 2, Line 3 of said page, by inserting immediately after the word "**livestock.**" the following:

"The provisions of this section shall not be construed to mean that a price or payment method must remain fixed throughout any marketing period."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 2 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting immediately after the number "276.401," the number "292.606,"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10"; and

Further amend said bill, Page 13, Section 276.401, Line 20 of said page, by inserting after all of said line the following:

"292.606. 1. Fees shall be collected for a period of ten years from August 28, 1992. The commission shall review the adequacy of the fees imposed in this section and shall present its assessment to affected departments and the respective committees of jurisdiction of the house and senate before December 1, 1994.

2. (1) Any employer required to report [under] **pursuant to** subsection 1 of section 292.605, except local governments and family-owned farm operations shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, RSMo, if such person, firm or corporation is paying fees [under] **pursuant to** the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state [under] **pursuant to** the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed [under] **pursuant to** this subsection, such employer shall not be liable for state fees [under] **pursuant to** this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected [under] **pursuant to** this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Except moneys acquired through litigation shall not apply to this cap;

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected [under] **pursuant to** this section and natural resources damages made available pursuant to section 640.235, RSMo, exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained [herein] **pursuant to this subsection** shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Local emergency planning committees receiving funds [under] **pursuant to** section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities.

Local emergency planning committees receiving funds [under] **pursuant to** section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section 640.235, RSMo, shall provide to the commission an annual report of expenditures and activities.

4. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds [under] **pursuant to** this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

5. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

6. For the purposes of this section, "family-owned farm operations" includes a family farm corporation as defined in section 350.010, RSMo, with a gross income not to exceed one million dollars per year."

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Bill No. 310, by inserting on page 19 on line 20 after the words, Section 10, the following:

"No fresh, frozen, processed or canned meat produced in any foreign country may be sold in retail or wholesale trade or in any way distributed in Missouri, unless said meat products have been certified free of pesticides by country of origin to the satisfaction of the department and processed in packing plants approved by USDA.

Section 11".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 33**, entitled:

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation on college textbook sales, and to enact in lieu thereof one new section relating to the same subject.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 33, Page 1, Section 144.517, Line 7, by inserting the following: "[, provided that the institution shall issue a list of approved required textbooks for the student to provide to said bookstore as proof that such book is considered a textbook by that institution]; and

Further amend said bill, page 1, section 144.517, line 7, by inserting after the word "field" the following: ", **provided that the books which are exempt from state sales tax are those required or recommended for class, upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his**

or her required or recommended textbooks."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and 3rd read **HCR 35**.

HOUSE CONCURRENT RESOLUTION NO. 35

Relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, March 26, 1999, the date of Fletcher Daniels' death, marked the end of a career which exemplified the ideals of a truly dedicated public servant; and

WHEREAS, Fletcher Daniels began his career as a public servant in 1946, when he joined the United States Postal Service where he worked until his retirement after thirty years of faithful public service; and

WHEREAS, Fletcher Daniels' outstanding leadership abilities became evident when in 1950 he was elected president of Local 906 of the National Alliance of Postal and Federal Employees and continued to serve in that post for ten years; and

WHEREAS, dedicated to his community, Representative Daniels served with distinction as Dean of the Kansas City School Board, Vice President of the Kansas City NAACP, advisory board member of the Kansas City Chapter of the Urban League, and as Executive Director of the Kansas Metropolitan Senior Citizens Center; and

WHEREAS, Fletcher Daniels was elected to the Missouri House of Representatives in 1984 in a special election which marked the beginning of a brilliant political career that spanned the course of fifteen years representing the Forty-first Legislative District in Kansas City; and

WHEREAS, throughout his illustrious tenure as a state legislator, Representative Daniels fought for causes in which he so ardently believed and earned the respect of many for his deep commitment as a true warrior and tireless advocate for the working people and the poor; and

WHEREAS, the members of the Missouri House of Representatives recognized Fletcher Daniels for his dedication to public service and his leadership abilities by being the first black legislator to be elected to the prestigious and powerful post of Speaker Pro Tem:

NOW, THEREFORE, BE IT RESOLVED that in tribute and respect for Fletcher Daniels' long tenure of public service, the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby declare that the Kansas City State Office Building, 615 E. 13th Street, Kansas City, Missouri, shall hereinafter be known as the Fletcher Daniels Missouri State Office Building; and

BE IT FURTHER RESOLVED that the Office of Administration shall be instructed to make appropriate changes to all printed materials and signs to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Office of Administration and Mrs. Sybil Daniels.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SB 219**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 747, regarding retired Missouri Supreme Court Justice, Robert T. Donnelly, which was adopted.

Senators Ehlmann, House and Klarich offered Senate Resolution No. 748, regarding the Crider Center for Mental Health, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 749, regarding Dr. Donald L. Jones, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Sam Yancey, Wayne Morrill and delegates of the American Legion Student Government Day from Johnson County; and Erin Riggs, Megan Whitney, Melissa Pennington, Andrew Kiely and Courtney Weigand were made honorary pages.

On behalf of Senator Staples and himself, Senator Stoll introduced to the Senate, ten delegates of the American Legion Student Government Day from Jefferson County.

Senator Childers introduced to the Senate, delegates of the American Legion Student Government Day: Ashley Mueller, Mica Sorensen, Jami Walters, Colt Straub, Amanda Jansen; and teachers: Mary Arnold and Jerry Martin, Branson.

Senator Mueller introduced to the Senate, David Martens and Steve Hemmann, St. Louis; and David and Steve were made honorary pages.

Senator Mathewson introduced to the Senate, A.J. Phipps, Patricia Richardson and delegates of the American Legion Student Government Day from A.L. Griffith Post 237, Richmond; and Corey Nees, Nathan Bundy, Becky Bryan and Charlie Creamer were made honorary pages.

Senator Graves introduced to the Senate, Daisy Workman, Angie Dailey, Allen Staley, Nick Helzer, Daniel Yates, Beth Wimes, Christopher Miller, Becky Miller and delegates of the American Legion Student Government Day from Nodaway County.

Senator Kenney introduced to the Senate, Candy, Corbett and Austin Roberts, Michelle and Robert Case, Tommy Franklin, John Constance and Kyle Lee, Independence; and Corbett, Austin, Robert, Tommy, John and Kyle were made honorary pages.

Senator Graves introduced to the Senate, Bette Williams, Tim Calkin, Justin Wilson, Jesse Stricker, Holly Long, Brad Fulk and delegates of the American Legion Student Government Day from Holt County.

On behalf of Senator Johnson, the President introduced to the Senate, Oneida Gillispie and delegates of the American Legion Student Government Day from Andrew County; and Sheena Lance and Matthew Smith were made honorary pages.

Senator Maxwell introduced to the Senate, Ronnie, Beverly, Keith, Darcy, Tanner, Evan and Dorothy Woodhurst, Perry; Beth Clarkson, New London; Shirley Benn, Center; and Kim Gray, Quincy, Illinois.

Senator Kinder introduced to the Senate, fifteen students from Deer Creek Academy, Cape Girardeau; and Casey Cuba, Christina Perry, Elizabeth LaFoe, Murielle Wyman, Cole Buerkle, Will LaFoe and Mallory McCluskey were made honorary pages.

Senator Rohrbach introduced to the Senate, Pat Reed, Jean Vanderfeltz and eighth grade students from St. Andrew's School, Tipton.

Senator Mathewson introduced to the Senate, Paul Bennett and delegates of the American Legion Student Government Day from Pettis County; and Mandy Robb, Emily Mefford and Mike McCurdy were made honorary pages.

Senator Graves introduced to the Senate, Ken Stull, Gary Tuck, Terry Coult, Rachel Clemens, Brad Beetsma and delegates of the American Legion Student Government Day from Chillicothe.

Senator Bentley introduced to the Senate, Craig Halsey and Wesley Wilson, Springfield.

On behalf of Senator Staples and himself, Senator Stoll introduced to the Senate, Mrs. Deanna Marsh, Mr. Alvin Riney, Mrs. Bel Greenfield, Mrs. Jacqui Wills and thirty-five eighth grade students from Crystal City.

Senator Rohrbach introduced to the Senate, eleven fourth grade students from Pilot Grove School, Pilot Grove.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Anthony Guarino, M.D., Chesterfield.

Senator Bland introduced to the Senate, a delegation from Swope Parkway Mental Health Center, Kansas City.

Senator Bland introduced to the Senate, members of the NAMI Group, Kansas City.

Senator Maxwell introduced to the Senate, Yvonne Allison-Mitchell, Becky Coil, Deanna St. Cin, Jackie Applebee and members of Options Unlimited Group from Fulton and Mexico.

On behalf of Senator House, Senator Flotron and himself, Senator Ehlmann introduced to the Senate, members of St. Charles Citizens Against Aircraft Noise.

Senator Goode introduced to the Senate, Joe and Joyce Hengst, and their children, Jennifer and David, Homeschoolers from St. Louis County; and Jennifer and David were made honorary pages.

Senator Singleton introduced to the Senate, members of the Joplin Chamber of Commerce.

Senator Caskey introduced to the Senate, Sandy Hutchinson, Jamie Arwood, Jennifer Dromey and nine seventh and eighth grade students from Shawnee R-3 School, Chilhowee; and Amanda Brown, Ashley Clifton, Christopher Arwood, Alisha Curry, Cody Dunning, Amanda Helmig, Josh Himes, Cole Witherspoon and Joey Boyle were made honorary pages.

Senator Goode introduced to the Senate, Edna Thomas and students from Keeven Elementary School, St. Louis County; and Gabriel Gonzales, Jeana Walton-Day, Kiawana Newman and Alvin Morrow were made honorary pages.

Senator Steelman introduced to the Senate, Bob Hogan, Mack Means, Emmy Potter, Erica Hogan, Ike Williams and Jessie Davis, Fulton; and Erica, Ike and Jessie were made honorary pages.

Senator Westfall introduced to the Senate, Mrs. Webb, Mrs. Bond, Mrs. Regers, Mrs. Houdeshell, Julie Scotten and one hundred fourth grade students from Truman Elementary School, Nevada; and Korbin Johnson, Matthew Steward, Drew Weatherly and Josh Underwood were made honorary pages.

Senator Westfall introduced to the Senate, Kathy Houck, Janet Eck, Brenda Kennedy, Janice

Rosebrough, Mary Abramovite, Mary Pierce, Angela Supplee, Cindy Witt, Joni Fenske and fourteen seventh and eighth grade students from St. Mary's School, Pierce City.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, APRIL 29, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

C.I. Scholfield wrote: "I like to be able to think of people who deeply interest me in their homes. Downtown we are all alike, but at home we are just ourselves...At home we are at ease; we throw off care; we are understood, and loved, and welcome."

Let us pray. Gracious and Heavenly Father: Watch over our traveling home and help us be at ease with those we love. May we be thankful for the gifts of sharing and politeness, of putting others' interest ahead of our own and the ability to recognize of gifts of others. And Bless us and unite us with those we love in the bonds and depths of Your love. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 750, regarding the death of Mrs. Margaret Hutsell Baldock, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 751, regarding the death of Mrs. Erma L. Varner, Kansas City, which was adopted.

Senator Clay offered Senate Resolution No. 752, regarding the death of Lloyd Arthur Smith, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 753, regarding Vance Keaton, Boonville, which was adopted.

Senator Johnson offered Senate Resolution No. 754, regarding Laura Rotterman, St. Joseph, which was adopted.

Senator Schneider offered Senate Resolution No. 755, regarding Carolyn Rybicki, Florissant, which was adopted.

Senator Ehlmann offered Senate Resolution No. 756, regarding Coach Steve Stahl, St. Charles, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 757

WHEREAS, the members of the Missouri Senate have been pleased to learn that Ted Cramer, premier disc jockey, and renowned country music expert for WDAF, 61 Country, Kansas City, has been elected to the Country Music Disc Jockey Hall of Fame, and will be inducted into that prestigious group at a ceremony in Nashville, Tennessee, on June 24th; and

WHEREAS, Ted Cramer has for many years been one of the most active ambassadors for the country music industry in the United States; and

WHEREAS, Ted Cramer's career began 45 years ago in Kansas City, during which career he has been a top-rated air personality and for forty of those years has also been a program director; and

WHEREAS, Ted Cramer was one of the first program directors to develop the modern country format pioneering the country-politan format; and

WHEREAS, Ted Cramer has always coached and developed those persons who have worked in his program departments to reach higher professional levels in the industry, and many of his co-workers are in key positions in the radio business across the United States today; and

WHEREAS, Ted Cramer, a man of total compassion and concern for his fellow human beings, has raised hundreds of thousands of dollars for charity during personal appearances and planned events, has been an active CMA member and supporter during his country career, and was one of the earliest active supporters of the County Radio Seminars and has served on its Agenda Committee; and

WHEREAS, Ted Cramer has programmed and performed on some of the most important country stations including the most famous of all, Kansas City's WDAF, 61 Country, and has continued wherever he has been to use every living moment to be an active ambassador for the country music industry; and

WHEREAS, Ted Cramer has been a long personal friend of our colleague, the current Senator from the 10th District, Senator Harry Wiggins, an admirer of Ted Cramer and a friend of country music, who is anxious to honor his old friend in the annals of the history of Missouri by this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the outstanding career of Ted Cramer in the field of country music, express their congratulations on his magnificent achievement in being elected to the Country Music Disc Jockey Hall of Fame and extend to Ted Cramer, his family and countless fans, many long years of continued good health, success and happiness, as well as continued pleasure and enjoyment with country music; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Ted Cramer, Radio Station WDAF, 61 Country and the Country Music Disc Jockey Hall of Fame, Nashville, Tennessee.

Senator Scott assumed the Chair.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 758

WHEREAS, the members of the Missouri Senate have been pleased to learn that Johnny Damon, slugging outfielder for the Kansas City Royals, and his wife, have become the proud parents of twins, Jackson Scott and Madelyn Layne; and

WHEREAS, in special recognition of this important occasion, the Missouri Senate, on the motion of Senator Harry Wiggins of the 10th District,

Kansas City, a friend of Johnny Damon is pleased to name Jackson Scott Damon and Madelyn Layne Damon Honorary Pages for the Day, perhaps the youngest Honorary pages ever selected by the Senate; and

WHEREAS, Johnny Damon, who has visited the Senate as a guest of Senator Wiggins, is a fitting father figure as a national sports hero, was himself born, November 5, 1973, at Fort Riley, Kansas, and now resides in Overland Park, Kansas; and

WHEREAS, Johnny Damon married his charming wife, Angela, and was acquired by the Royals in the Free Agent Draft of 1992; and

WHEREAS, in 1998, Johnny Damon put together his best season in the big leagues, hitting .277, with career highs in home runs (18), scored (104), RBI's (66), doubles (30), triples (10), extra base hits (56), and stolen bases (26); and

WHEREAS, Johnny and Angela Damon are the All American couple in Baseball and will proudly become outstanding All American parents of the twins;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to congratulate Johnny and Angela Damon on the birth of their twins, express their appreciation for Johnny's outstanding contribution as an all-star player for the Kansas City Royals and for his contributions to others, as a human being, and extend to Johnny and Angela Damon and his family, very best wishes for many long years continued good health, success and happiness in baseball and in life; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Johnny and Angela Damon and the Kansas City Royals.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 759

WHEREAS, the members of the Missouri Senate fully recognize the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, this legislative body has a long tradition of rendering assistance to those organizations which sponsor such projects in the interest of our young people; and

WHEREAS, the Missouri 4-H Citizenship Workshop is sponsored by the University Extension 4-H Youth Development Programs; and

WHEREAS, the Missouri 4-H Citizenship Workshop program provides students unique insight into the day-to-day operations of our state government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously grant permission to the University Extension 4-H Youth Development Program to use the Senate Chambers for the 4-H Citizenship Workshop on Monday, June 28, 1999, through Wednesday, June 30, 1999.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 789**: Representatives Backer, Days, Williams (159), Bartlesmeyer, Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 294**.

With House Amendments Nos. 1, 2, 3, 4, 5, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 294, Page 1, Section A, Line 3, by inserting the following after all of said lines:

"301.141 1. As used in this section, the following terms mean:

- (1) "Commission", the Missouri commission for the deaf, established by section 161.400, RSMo;**
 - (2) "Deaf person", any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices;**
 - (3) "Hearing impaired person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;**
 - (4) "J88", a notation on a driver's license that indicates the person is a deaf or hearing impaired person who uses alternative communication.**
- 2. The commission shall design and issue a removable windshield placard that may be hung from the rearview mirror of a motor vehicle operated by a deaf or hearing impaired person and a decal which may be affixed to the lower left corner of the rear window of a motor vehicle.**
- 3. Any resident of this state who is a deaf or hearing impaired person may apply to the commission for the placard and the decal described in subsection 2 of this section. The commission, by rule, may establish criteria for issuance and distribution of the placards and decals, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment. The fee for a placard or a decal shall not exceed two dollars.**
- 4. The commission shall promote public awareness of the meaning of the placards and the decals prior to or in conjunction with the issuance thereof.**
- 5. Any resident of this state who is a deaf or hearing impaired person may apply to the Department of Revenue to have the notation "J88" placed on the person's driver's license. The Department of Revenue, by rule, may establish the cost and criteria for placement of the "J88" notation, such as requiring an applicant to submit certain medical proof of deafness or hearing impairment.**
- 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 294, Page 2, Section 302.020, Line 34, by inserting after all of said line the following:

"302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 [or 5] of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as

established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 [or 5] of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. [The director of revenue shall issue a commercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits the use of identification numbers by members as being contrary to its religious tenets.

5.] The director of revenue shall issue a **commercial or** noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

[6.] **5.** The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a [certified] statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

[7.] **6.** The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

[8.] **7.** The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as is on the driver's license upon payment of seven dollars and fifty cents if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for seven dollars and fifty cents. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

[9.] **8.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of this chapter shall become effective [until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

10. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

11. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

12. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

13. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

14. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratifies the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

15. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**"; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 294, Page 3, Line 14, Section 302.321, by inserting after all of said line the following:

"302.341. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state with a population of at least one thousand fails to dispose of the charges of which he is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until **the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or** satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the

individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 294, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "301.191,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 301.191, 302.020 and 302.321, RSMo Supp. 1998, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.191, 302.020 and"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. **If the inspection is completed by the sheriff**, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 294, Page 3, Section 302.321, Line 14, by inserting after said line the following:

"Section 1. If a motorcycle operator or passenger obtains a head injury while riding on a motorcycle without a helmet, then such operator or passenger must reimburse the state of Missouri for any medical treatment provided with state funds."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 294, Page 1, In the Title, Line 2, by deleting the phrase "and 302.321" and inserting in lieu thereof the phrase ", 302.302, 302.321, 304.012 and 577.020"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, In the Title, Lines 3 and 4, by deleting the phrase "with an emergency clause" and inserting in lieu thereof the phrase "with penalty provisions, an effective date and an emergency clause for certain sections"; and

Further amend said bill, Page 3, Section B, Line 5, by inserting after all of said line the following:

"Section C. Sections 302.302, 304.012 and 577.020, RSMo Supp. 1998, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.302, 304.012 and 577.020, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or
county or municipal traffic ordinance not listed
in this section, other than a violation of
vehicle equipment provisions 2 points
(except any violation of municipal stop sign
ordinance where no accident is involved ... 1 point)
- (2) Speeding
In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving

In violation of subsection 2 of section 304.012, RSMo 6 points

In violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a license after suspension or revocation and prior to restoration of operating privileges which have been suspended or revoked 12 points

(6) Obtaining a license by misrepresentation 12 points

(7) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(8) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points

(9) For the first conviction for driving with blood alcohol content ten-hundredths of one

percent or more by weight

In violation of state law 8 points

In violation of a county or municipal

ordinance 8 points

(10) Any felony involving the use of a motor

vehicle 12 points

(11) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and (9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.

4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved **or there are aggravating circumstances** then it shall be a class A misdemeanor. **For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers death or serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.**

577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant

to the following circumstances:

- (1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or
- (2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
- (3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]
- (4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.]; **or**
- (5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.
3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.
4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.
5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.
6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person.**
7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

Section D. Section C of this act shall become effective on January 1, 2000."

HOUSE AMENDMENT NO. 7

Amend Senate Bill No. 294, Page 3, Section 302.321, Line 14, by inserting after said line the following:

"Section 1. Brakes may be inspected for safety by means of visual inspection or computerized brake testing pursuant to the inspection required in 307.365, RSMo."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 15--Appropriations.

HB 16--Appropriations.

HCS for HB 18--Appropriations.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS for SB 276**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Quick assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for SB 276**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Scott assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paul W. Foster, as a public member of the Board of Geologist Registration;

Also,

Jeanette E. Griffin, as a member of the State Board of Barber Examiners;

Also,

Wilson J. Winn, as a member of the Elevator Safety Board;

Also,

Angela S. Fowler-Allen, Gerald M. Shechter, Ernest M. Simon, Delores A. Jeffries, Gary S. Wasserman, Sandra S. Mazzocco, Donald M. Thomas, Timothy J. Klotz, F. Leland McClure and Calvin W. Call, as members of the Advisory Committee on Lead Poisoning;

Also,

Sheila Greenbaum, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Beverly K. Woodhurst and Robert P. O'Dell, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Timothy J. Warren, as a member of the Hazardous Waste Management Commission;

Also,

Douglas W. Guthals, as a member of the Missouri Health Facilities Review Committee;

Also,

Homer W. Miller, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Dale D. Turvey, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Lois L. Vander Waerdt, as a member of the State Board of Mediation;

Also,

Charles Donn James, as a member of the State Board of Embalmers and Funeral Directors.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator DePasco requested unanimous consent of the Senate to allow the Appropriations Committee conferees to meet in the back gallery, while the Senate is in session, which request was granted.

President Pro Tem Quick assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Johnson assumed the Chair.

Senator Maxwell offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section A, Line 1, by deleting all of said act and by inserting in lieu thereof the following:

"Section A. Sections 188.015, 188.030, 188.035, 188.075 and 565.021, RSMo 1994, are repealed and six new sections enacted in lieu thereof, to be known as sections 188.015, 188.030, 188.035, 188.041, 188.075 and 565.021, to read as follows:

188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms shall mean:**

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

(5) **"Partial birth abortion", only the termination of pregnancy by partially vaginally delivering a viable living intact fetus, purposefully inserting an instrument into the skull of the intact fetus, and utilizing a suction device to remove the skull contents;**

(6) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

(7) **"Risk to a woman's health", any condition, which if left untreated, could progress to such a point that death or permanent injury could result, but does not mean a condition which creates a negligible threat to life or health or a significant threat of only transient health problems;**

[(6)] (8) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (9) "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems. **Viability shall be determined by the physician, based upon his own best clinical judgment. The physician shall determine whether, based on the particular facts of a woman's pregnancy that are known to him, and in light of medical technology and information reasonably available to him, there is a realistic possibility that the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life supportive systems.**

188.030. 1. No abortion of a viable unborn child shall be performed unless necessary to preserve the life or health of

the woman. Before a physician may perform an abortion upon a pregnant woman after such time as her unborn child has become viable, such physician shall first certify in writing that the abortion is necessary to preserve the life or health of the woman and shall further certify in writing the medical indications for such abortion and the probable health consequences.

2. Any physician who performs an abortion upon a woman carrying a viable unborn child shall utilize the available method or technique of abortion most likely to preserve the life and health of the unborn child. In cases where the method or technique of abortion which would most likely preserve the life and health of the unborn child would present a greater risk to the life and health of the woman than another available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

3. An abortion of a viable unborn child shall be performed or induced only when there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the **second** physician required by this section to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the viable unborn child: *provided that it does not pose an increased risk to the life or health of the woman.*

188.035. Whoever, with intent to do so, shall take the life of a child aborted alive[, shall be] is guilty of murder [of] **in** the second degree.

188.041. 1. After viability has been determined pursuant to subsection 9 of section 188.015, no person shall knowingly terminate a pregnancy by using the dilation and extraction procedure of partially vaginally delivering a viable living intact fetus, purposefully inserting an instrument into the skull of the intact fetus, and utilizing a suction device to remove the skull contents if there is any other available abortion procedure which would not pose a greater risk to the life or health of the woman, as defined by subdivision (7) of section 188.015.

2. Notwithstanding any other provision of the law to the contrary, a woman upon whom a partial birth abortion is performed shall not be prosecuted pursuant to this section or any other state law which would otherwise impose criminal responsibility on such woman for the performance of a partial birth abortion.

3. Any person who knowingly violates the provisions of subsection 1 of this section is guilty of murder in the second degree pursuant to section 565.021, RSMo.

188.075. Any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs or aids in the performance of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 [shall be] **is** guilty of a class A misdemeanor, **unless a different penalty is specifically provided**, and, upon conviction, shall be punished as provided by law.

565.021. 1. A person commits the crime of murder in the second degree if he:

(1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; or

(2) Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony; **or**

(3) Knowingly performs a procedure prohibited in section 188.041, RSMo.

2. Murder in the second degree is a class A felony, and the punishment for second degree murder shall be in addition to the punishment for commission of a related felony or attempted felony, other than murder or manslaughter.

3. Notwithstanding section 556.046, RSMo, and section 565.025, in any charge of murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider, any and all of the subdivisions in subsection 1 of this section which are supported by the evidence and requested by one of the parties or the court."; and

Further amend said bill by amending the title accordingly.

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 188.015, Line 11, by striking the word "chapter" and inserting in lieu thereof, the word "act"; and

Further amend said amendment, page 2, Section 188.015(5), line 1 of said subdivision by striking the word "only"; and

Further amend said amendment, page 3, Section 188.041, lines 1 and 2 of said section, by striking the following: "pursuant to subsection 9 of Section 188.015,".

Senator Maxwell moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson requested unanimous consent of the Senate that the Appropriations Committee conferees meeting in the back gallery be counted toward a quorum, which request was denied.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Maxwell moved that **SA 1** to **SSA 1** for **SA 1** be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator DePasco requested a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

Absent--Senator Ehlmann--1

Absent with leave--Senators

Banks	Mueller	Staples--3
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Senator Maxwell moved that **SSA 1** for **SA 1**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Howard, House, Caskey and Schneider.

SSA 1 for **SA 1**, as amended, failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Clay	Goode
Howard	Jacob	Mathewson	Maxwell
Quick	Sims	Singleton--11	

NAYS--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Rohrbach
Russell	Schneider	Scott	Steelman
Stoll	Westfall	Wiggins	Yeckel--20

Absent--Senators--None

Absent with leave--Senators

Banks	Mueller	Staples--3
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SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.021, Line 7, by striking ";" and inserting after all of said line the following:

"565.300. 1. The sovereign people hereby find that, in accordance with current scientific evidence, medical terminology and practice, and decisions of the United States Supreme Court in Roe v. Wade and other cases:

(1) Pregnancy begins with conception as defined in section 188.015, RSMo, and ends when the process of birth begins;

- (2) The process of birth begins when a living infant begins to exit the uterus or womb by any means and ends when the child is fully delivered or expelled from the vagina or birth canal by any means;**
- (3) Birth is an irreversible process that, once begun, will inevitably result in the complete delivery or expulsion of a living infant;**
- (4) Even a living infant that is prematurely and artificially extracted from the uterus or womb into the vagina or birth canal by any means is a living infant;**
- (5) Scientifically, medically, and legally, a child in the process of birth is a living infant;**
- (6) The intentional killing of a living infant in the process of birth is infanticide;**
- (7) Abortion is the termination of a pregnancy by intentionally killing a living infant in the uterus or womb before the process of birth begins;**
- (8) Regulating infanticide is not regulating abortion, but rather, is proscribing infanticide by restricting killing the killing of a live infant who is in the process of birth, that is, who has exited by any means, at least in part, the uterus or womb and has entered by any means, at least in part, the vagina or birth canal;**
- (9) Although the United States Supreme Court has declared a right to choose an abortion to terminate a pregnancy, it has never held that there is a fundamental or constitutional right to kill a partially born infant, that is, a child in the process of birth;**
- (10) Because abortion is the termination of a pregnancy, a prohibition against killing a living infant in the process of birth does not implicate abortion jurisprudence;**
- (11) This section is not intended to stop any abortion performed to terminate a pregnancy, but is intended to stop the killing of a partially born living infant and to establish and maintain a clear and impenetrable barrier against partial birth infanticide.**

2. As used in this section, the following terms mean:

- (1) "Infanticide", the killing of an infant in the process of birth by a person who deliberately and intentionally performs a procedure on the partially-born infant that the person knows will terminate the life of the infant and the procedure does terminate the life of the infant;**
- (2) "Partially born infant", a child in the process of birth;**
- (3) "Process of birth", the pregnancy has ended and the process of being born has begun, that is, the point in time has occurred when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of an infant child has passed from the uterus or womb beyond the plane of the cervical os.**

3. It is a class A felony for a person to perform infanticide.

4. The provisions of this section shall not apply to infanticide performed to prevent the death of a mother where no other procedure, including the induction of labor or cesarean section, would suffice to prevent the death of the mother.

5. The provisions of this chapter shall not apply to any abortion performed to terminate a pregnancy, that is, any abortion performed in the uterus or womb prior to the point in time when the pregnancy has ended and the process of birth has begun, that is, any abortion performed in the uterus or womb prior to the point in time when the maternal cervix has become dilated, the protective membrane of the amniotic sac has become ruptured, and any part or member of a living infant has passed from the uterus or womb beyond the plane of

the cervical os.

6. The provisions of this chapter shall to be liberally construed to effectuate the policies and purposes of this chapter. In the event of conflict between this chapter and any other provision of law, the provisions of this chapter shall govern.
7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or application of the provision to other persons or circumstances is not affected.

Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in November, 1999, pursuant to the laws and constitutional provisions of this state applicable to general elections, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Quick, Schneider and Sims.

Senator Wiggins assumed the Chair.

Senators Ehlmann and Flotron offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 4, Section B, Line 5, by deleting "1999" and inserting "2000".

Senator Ehlmann moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1 to SA 2** and was joined in his request by Senators Howard, Bland, House and Clay.

At the request of Senator Ehlmann, **SA 1 to SA 2** was withdrawn.

Senator Jacob moved that **SA 2** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Clay	Howard	Jacob
Maxwell	Quick	Sims--7	
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Johnson	Kenney	Kinder	Klarich
Mathewson	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
Absent--Senators--None			

Senator House offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Lines 10-11, by striking all of said lines; and

Further amend said bill, Page 2, Section 565.300, Line 1, by striking all of said line and inserting in lieu thereof the following:

"(2) "Living infant", a human child before, during or after birth who is under the age of one year after birth, and who:

(a) Breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; or

(b) Is not dead as determined pursuant to section 194.005, RSMo, relating to the determination of the occurrence of death;"; and

Further amend said bill, Page 2, Section 565.300, Line 15, by inserting after the word "born;" the following word "**or**"; and

Further amend said page and section, line 16, by striking "; or" and inserting in lieu thereof "."; and

Further amend said page and section, line 17, by striking all of said line; and

Further amend said bill, Page 2, Section 565.300, Lines 19-24, by striking all of said lines and inserting in lieu thereof the following:

"5. The provisions of this section shall not be construed to prevent a physician from using procedures consistent with the usual and customary standards of medical practice to save the life of the mother during pregnancy or birth or to save the life of the child, regardless of whether such procedures may unintentionally or indirectly result in the death of the mother or child.

6. The mother of the child killed shall not be subject to prosecution pursuant to this section."

Senator House moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Clay offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Lines 4 to 11, and Page 2, Lines 1 to 18, by deleting all of said lines and inserting in lieu thereof the following:

"565.300. 1. As used in this section, "intact dilatation and extraction" means an abortion procedure containing all four of the following elements:

- (1) **Deliberate dilatation of the cervix, usually over a sequence of days;**
 - (2) **Instrumental conversion of the fetus to a footling breech;**
 - (3) **Breech extraction of the body excepting the head; and**
 - (4) **Evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.**
- 2. A person is guilty of the crime of infanticide if such person knowingly and intentionally performs an intact dilatation and extraction of a fetus."; and**

Further amend said bill, Page 2, Section 565.300, Line 19, by deleting the number "5." and inserting in lieu thereof the number "3."

Senator Clay moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

Senator Jacob offered **SA 1 to SSA 1 for SA 3:**

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Lines 1 and 2, by striking all of said lines and insert in lieu thereof the following:

"565.300.1. This act applies to any procedure containing all four"; and

Further amend said amendment and section, page 2, lines 1-2, by striking the words "an intact dilatation and extraction of" and inserting in lieu thereof **"any procedure defined in subsection 1 of this section on"**.

Senator Clay assumed the Chair.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bentley, House and Sims.

SA 1 to SSA 1 for SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Clay	Jacob	Maxwell
Quick	Sims--6		
NAYS--Senators			
Caskey	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
Absent--Senator Bentley--1			

	Absent with leave--Senators		
Banks	Goode	Howard	Mueller
Staples--5			

Senator Schneider assumed the Chair.

SSA 1 for **SA 3** was again taken up.

Senator Clay moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Jacob, Kinder and Singleton.

SSA 1 for **SA 3** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Clay	Jacob	Maxwell
Sims--5			
	NAYS--Senators		
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Johnson	Kenney	Kinder	Klarich
Mathewson	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Banks	Goode	Howard	Mueller
Staples--5			

SA 3 was again taken up.

At the request of Senator House, **SA 3** was withdrawn.

At the request of Senator House, **SS** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** was withdrawn.

Senator House offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 427, 40, 196 & 404

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

Senator House moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be adopted.

Senator Wiggins assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300, Line 17, by inserting at the end of said line the following: ";

(4) "Abortion" shall have the same meaning as the term is defined in section 188.015. (1)"; and

Further amend said bill, Section 565.300, Page 3, Line 4, by inserting after all of said line, the following:

"6. Nothing in this section shall be construed to prohibit any act not prohibited by chapter 188, RSMo."

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Maxwell, **SA 1** was withdrawn.

Senator Maxwell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 3, by inserting after the word "or" the following: **"intentionally or directly or"**.

Senator Maxwell moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by adding the following:

"6. Nothing in this act shall prevent an abortion necessary to save the life of the mother."

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 2** was withdrawn.

SA 2 was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Schneider offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute

for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300.5., Line 2, by inserting after the word "child" a period "." and delete the balance of said line and strike lines 3 and 4.

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Bland offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Section 565.300, Page 3, Line 4, by inserting after all of said line the following:

"6. The provisions of this section shall apply only to the second and third trimesters of pregnancy."

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Jacob, Kinder, Russell and Sims.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Clay
Jacob	Maxwell	Quick	Sims--8
NAYS--Senators			
Childers	DePasco	Ehlmann	Flotron
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Rohrbach
Russell	Schneider	Scott	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--21			
Absent--Senator Graves--1			
Absent with leave--Senators			
Banks	Goode	Mueller	Staples--4

Senator Bland offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. The provisions of this section shall only apply to a viable living infant."

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Ehlmann, Jacob, Sims and Singleton.

Senator Caskey offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 563.530.3, by adding after said subsection the following:

"6. Nothing in this act shall be construed to prohibit a legal abortion."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Scott assumed the Chair.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 5, by inserting after the word "abortion" the following: ", **except partial birth abortion, defined as the termination of pregnancy by partially vaginally delivering a viable living intact fetus, purposefully inserting an instrument into the skull of the intact fetus, and utilizing a suction device to remove the skull contents**".

Senator Maxwell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Howard, Jacob and Sims.

SA 1 to **SSA 1** for **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Sims	Singleton--11	
NAYS--Senators			
Childers	DePasco	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Rohrbach	Russell	Schneider
Scott	Steelman	Stoll	Westfall
Wiggins	Yeckel--18		
Absent--Senator Bentley--1			
Absent with leave--Senators			
Banks	Goode	Mueller	Staples--4

Senator Mathewson assumed the Chair.

SSA 1 for **SA 4** was again taken up.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Bland, Howard, Sims and Wiggins.

At the request of Senator Caskey, **SSA 1** for **SA 4** was withdrawn.

Senator Jacob offered **SSA 2** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196, 404, Page 3, Section 565.300, by adding after said subsection the following:

"6. Nothing in this act shall be construed to prohibit a legal abortion."

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Ehlmann, Howard and Scott.

SSA 2 for **SA 4** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	Jacob
Maxwell	Quick	Sims--7	
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Goode	Mueller	Staples--4

SA 4 was again taken up.

Senator Bland moved that the above amendment be adopted, which motion failed by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	Howard
Jacob	Maxwell	Quick	Sims--8
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
	Absent--Senators--None		
	Absent with leave--Senators		
Banks	Goode	Mueller	Staples--4

Senator Maxwell offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300, Line 1, by striking "a human child" and inserting in lieu thereof the following "**an infant**"; and

Further amend said page and said section, line 2, by striking "determined" and insert in lieu thereof the following: "**as determined by a physician**".

Senator Maxwell moved that the above amendment be adopted.

Senator Maxwell offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300, Line 1, by striking "a human child" and inserting in lieu thereof the following "**an infant**".

Senator Maxwell moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clay, Sims, Singleton and Stoll.

SSA 1 for **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	Jacob
Maxwell	Quick	Sims	Singleton--8
NAYS--Senators			
Bentley	Childers	DePasco	Flotron
Graves	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Rohrbach
Russell	Schneider	Scott	Steelman
Stoll	Westfall	Wiggins	Yeckel--20
Absent--Senators			
Ehlmann	Howard--2		
Absent with leave--Senators			
Banks	Goode	Mueller	Staples--4

SA 5 was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion failed.

Senator Wiggins assumed the Chair.

Senator Clay offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. A physician who performs any partial birth abortion procedure shall not be guilty of infanticide if the procedure is performed after viability has been determined by the physician based upon his best medical judgment and the procedure is performed in order to save the life of the mother or to prevent serious injury to the mother which could result in death of the mother if the procedure is not performed."

Senator Clay moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his

request by Senators Bentley, Bland, Scott and Sims.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Clay	Jacob
Maxwell	Quick	Sims--7	
NAYS--Senators			
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Kenney
Kinder	Klarich	Mathewson	Rohrbach
Russell	Schneider	Scott	Singleton
Steelman	Stoll	Wiggins	Yeckel--20
Absent--Senators			
Howard	Johnson	Westfall--3	
Absent with leave--Senators			
Banks	Goode	Mueller	Staples--4

At the request of Senator DePasco, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

Senator Maxwell offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. Nothing in this section shall be construed to apply to the first trimester of pregnancy."

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 826**, entitled:

An Act to repeal sections 197.315, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.317, 198.067 and 198.427, RSMo Supp. 1998, relating to long-term care facilities, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, John and Lucille Wright, Chariton County; and Bob Leathers, Randolph County.

On behalf of Senator Quick, the President introduced to the Senate, Dr. William Soper and his granddaughter, Kirra Samantha Soper, Clay County; and Kirra was made an honorary page.

Senator Rohrbach introduced to the Senate, students from Morgan R-I School, Stover.

Senator House introduced to the Senate, forty students, parents and teachers from Zion Lutheran School, St. Charles County.

Senator Schneider introduced to the Senate, one hundred fourth grade students from Wedgewood Elementary School, Florissant; and Courtney Olson, Eboni Redmond, Michael Scherbring and Emily Goodman were made honorary pages.

Senator Childers introduced to the Senate, Susan Rogers, Janet Jens, Miss Yuko, Danny Holloway and thirty-one eighth grade students from Junction Hill School, West Plains.

Senator Kinder introduced to the Senate, sixty-eight fourth grade students from Clippard Elementary School, Cape Girardeau; and Kathryn Renfro, Dustin Matty, Jake Meyer and Megan Ruth were made honorary pages.

Senator Bentley introduced to the Senate, Nancy Tinkler Sullivan and twenty-four members of St. Agnes Parish, Springfield; and Shawn Sullivan was made an honorary page.

Senator Klarich introduced to the Senate, Pat Corley and twenty-one eighth grade students from Immaculate Conception School, Union; and Tim Noelker and Christine Wienke were made honorary pages.

Senator Sims introduced to the Senate, John R. Essner, St. Louis County.

Senator Westfall introduced to the Senate, his wife, Sharon, Kathy Roweton and eighth grade students from Halfway; and Valerie Freeman, Marshall Battles, Sara Dunseth and Richard Garza were made honorary pages.

Senator Childers introduced to the Senate, Kristy Chilton and twenty seventh and eighth grade students from Thornfield School, Thornfield; and Sherri Graham, Travis Gaulding, Eric Scott and Jeff Callender were made honorary pages.

Senator Rohrbach introduced to the Senate, Mr. and Mrs. Frank Hurley, Mr. and Mrs. Greg Whitmore, Mr. and Mrs. Mike Wright, Mr. and Mrs. George Langan, Mr. and Mrs. Jim Berry, Mr. and Mrs. Ken Moller, Mr. and Mrs. Trevor Power

and Mr. and Mrs. David Dunkley, Australia; and Don Alberts, Dr. David Linsenbardt, Eileen Plassmeyer and Tom Carr, Jefferson City.

Senator Jacob introduced to the Senate, his daughter, Jessica, Ann Bunch and five fifth grade students from Ridgeway School, Columbia; and Jessica, Corey Grace, Brandin Turner, Dustin Perry, JaRay Hayes, Sade Aarron and Chris Kee were made honorary pages.

Senator Bentley introduced to the Senate, Professor Gary Rader, Julie Horton, Angela Major and Brock Sapp, Springfield.

Senator Maxwell introduced to the Senate, Enrique Fernandez, Mexico.

Senator Singleton introduced to the Senate, Derek Williams, Mike Richardson and Adam Wiles, Carthage.

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Donald A. Potts, M.D., Independence.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Sunday, May 2, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY--SUNDAY, MAY 2, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: Yes, Lord it's us here in the Senate on a Sunday - We know You usually find us with those we love as we call upon You this day, but You have called us to positions of responsibilities and the burdens that come with them. So we are here to pray that Your Spirit of discernment and enlightenment might be with us tonight and this week as we deal with those things that affect the lives and welfare of the people of this State. And we pray for David Valentine at the death of his father and mother this weekend, that you may bless him with your peace and grace and walk with him through these days of grief and loss. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 29, 1999, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Clay	Graves	Staples--3	

RESOLUTIONS

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 760, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Teddy Stegman, King City, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 761, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard W. Clark, Albany, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 762, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. George Bennett, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 763, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bryon Curley, Laclede, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 764, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Hammond, Meadville, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 765, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Ames, Green City, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 766, regarding the Sixty-second Wedding Anniversary of Mr. and Mrs. Wayne Hagler, Bethany, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 767, regarding the Sixtieth Wedding Anniversary of Reverend and Mrs. Clifford Wrisinger, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 768, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Hatcher, Milan, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 769, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Lindley, Chillicothe, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 770, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lorace Walton, Stanberry, which was adopted.

Senator Quick offered Senate Resolution No. 771, regarding Dr. Marvin L. Wippich, Grandview, which was adopted.

Senator Quick offered Senate Resolution No. 772, regarding Patricia Ann Tarver, Kansas City, which was adopted.

Senator Ehlmann offered Senate Resolution No. 773, regarding Adam William Owens, Foristell, which was adopted.

Senator House offered Senate Resolution No. 774, regarding the National Federation of Music Clubs, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 867** and has again taken up and passed **HB 867**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 152** and has again taken up and passed **SCS** for **HB 152**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 814** and has again taken up and passed **SCS** for **HCS** for **HB 814**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the **SCS** for **HB 792** and has taken up and passed **SCS** for **HB 792**, as amended by **HPA 1**.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 792, Page 2, Section 320.230, Line 15, by deleting the word "**and**" and inserting in lieu thereof the word "**any**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 14**, as amended.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 14, Page 196, Journal of the Senate, Lines 42 and 43 of said page, by deleting all of said lines and inserting in lieu thereof the following: "to William Jefferson Clinton, President of the United States, to each member of Missouri's Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 2**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the

President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 13**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 13, Page 1052, Journal of the House, Line 10 of said page, by inserting after the word "for" the phrase "the President of the United States and the members".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede

from its position on **HS** for **HCS** for **SCS** for **SB 436**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 436**, as amended: Representatives Hoppe, Harlan, Smith, Griesheimer, Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 219**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 5**, as amended.

With House Amendment No. 1.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet legal minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code will be finalized in September, 1999, in St. Louis; and

WHEREAS, the International Building Code will be published in April, 2000; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby create the Governor's commission for the review and formulation of building code implementation for areas that have not adopted a building code or are currently prohibited from adopting a building code.

BE IT FURTHER RESOLVED that the members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two representatives appointed by the Speaker of the House of Representatives representing each political party, the Attorney General or his designee, the Director of the Department of Public Safety or his designee, the Director of the Department of Natural Resources or his designee, the director of the Division of Design & Construction or his designee, and fourteen citizen members appointed by the Governor and qualified to serve, each representing at least one of the following areas: commissioner of a county of the third classification; registered architect; registered engineer engaged in building and construction; building official - urban; building official - small jurisdiction; fire protection district representative; Governor's Office for Employment of the Disabled; Seismic Safety Commission; Manufactured Housing Commission; general contractor; one commercial contractor-urban, one commercial contractor-rural, two home builders-urban, two home builders-rural; building/construction trades-urban; building/construction trades-rural; and the insurance industry; and

BE IT FURTHER RESOLVED that the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Governor shall appoint the members of the commission by June 1, 1999, and such commission shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED that the commission may solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make appropriate recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission is charged with developing and recommending the following: an administrative framework and funding method for a state building construction code; a complete package of construction codes that specifically excludes any zoning, land use or planning responsibility; a complete package of construction codes that specifically exempts all nonindustrial farm structures and residences; and methods for training and certifying code enforcers; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by December 1, 1999, and then shall be dissolved May 31, 2000; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the office of administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Concurrent Resolution No. 5, Page 1475 of the House Journal for April 22, 1999, Lines 37-41, by deleting all of said lines.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 1, Page 595, Journal of the House, Lines 3 to 11 of said page, by deleting all of said line and inserting in lieu thereof the following:

"WHEREAS, it would be in the best interests of the Missouri's public school students for the State Board of Education and the Coordinating Board for Higher Education to prepare and make available to all school boards and institutions of higher education instructional materials that can be used as guidelines for the development of a unit of instruction on the Irish Famine:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General

Assembly, the House of Representatives concurring therein, hereby join unanimously in expressing our support of the inclusion of a unit of instruction studying the causes and effects of mass starvation in mid-nineteenth century Ireland in every public elementary school, high school and postsecondary school curriculum in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Elementary and Secondary Education and the Missouri Department of Higher Education."

In which the concurrence of the Senate is respectfully requested.

Also,

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 26**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 44 of article IV of the Constitution of Missouri, relating to the conservation commission and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HB 789** be allowed to exceed the differences to add specific language on page two, section 29.230.2(1).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 219**, as amended: Representatives Bray, Van Zandt, Campbell, Akin, Hegmore.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the message sent to the Senate on April 29, 1999 on **SB 294** showed **HA 5** as being adopted when, in fact, the amendment was defeated. The corrected message should read that the House has taken up and passed **SB 294**, with **HAs 1, 2, 3, 4, 6 and 7**.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, as required by section 112(r) of the federal Clean Air Act, the Environmental Protection Agency has promulgated the Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage; and

WHEREAS, adequate safeguards to meet public safety needs currently exist under federal, state and local regulations; and

WHEREAS, the Environmental Protection Agency's risk management regulations will dramatically increase costs of doing business without increasing safety by: causing customers to switch away from propane, a federally approved clean fuel; duplicating state regulations based upon existing fire protection standards; duplicating federal right-to-know regulations; and not providing a fuel use exemption similar to OSHA's; and

WHEREAS, the EPA's rules cover anyone with more than 2380 gallons of propane on site, regardless of whether or not it is a single tank or connected tanks which could easily be exceeded by individual restaurants, farms and some residences; and

WHEREAS, the costs, which is estimated to exceed one and one-half billion dollars, to the private sector of complying with EPA's regulations will be staggering:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Environmental Protection Agency to not include propane in the Risk Management Program; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCR 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, the agricultural markets of the United States are largely controlled by the corporate entities engaged in the processing, handling and marketing of grains and livestock; and

WHEREAS, four companies process nearly fifty percent of the pork produced for retail sale in the United States and four companies produce nearly ninety percent of the beef produced for retail sale in the United States; and

WHEREAS, the pending purchase of the grain unit of Continental Grain Company by Cargill Inc., will create an entity controlling in excess of forty percent of all United States corn exports, thirty-four percent of soybean exports and twenty percent of wheat exports; and

WHEREAS, this level of concentration is a significant factor in the low state of market prices for grain and livestock in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon the Congress of the United States to:

- Investigate and publicize the degree of concentration in the livestock and grain processing industry in the United States and in Missouri;
- Investigate the degree of which processing companies compete or fail to compete for supplies of livestock and grain from farmers, with particular attention to the question of whether these companies have created no-competition zones;
- Provide sufficient personnel and resources for effective enforcement of the federal Packers and Stockyards Act by the United States Department of Agriculture;
- Instruct the United States Department of Justice and the Attorney General of Missouri to work cooperatively on all investigations of anti-competitive practices by livestock and grain processors;
- Instruct the United States Department of Justice and Attorney General of Missouri to investigate the use of packer procurement practices related to forward contracts, marketing agreements and other forms of captive supply, and determine whether these constitute violations of the Packers and Stockyards Act;
- Institute and finance appropriate anti-trust litigation and prosecution to end and prevent anti-competitive practices in the livestock and grain processing industry; and
- Financially support private causes of action that are directed at ending and preventing anti-competitive practices in the livestock and grain processing industry; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation, the United States Department of Agriculture, the United States Department of Justice and the Missouri Attorney General.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 30

BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that the Joint Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninetieth General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninetieth General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **HCRs 24 and 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTIONS NOS. 24 and 15

WHEREAS, on November 23, 1998, a historic accord was reached between 46 states, U.S. territories, commonwealths and the District of Columbia and tobacco industry representatives that called for the distribution of tobacco settlement funds to states over the next twenty-five years; and

WHEREAS, these funds result from the effort put forth by state attorneys general in which states solely assumed enormous risks and displayed determination to initiate a settlement that will lead to reduced youth smoking and reduced access to tobacco products; and

WHEREAS, in the fall of 1997, states were notified by the U.S. Department of Health and Human Services of its intention to "recoup" the federal match from funds states received through suits brought against tobacco manufacturers; and if such recoupment takes place, the states will lose one-half or more of the tobacco settlement funds; and

WHEREAS, the federal government played no role in the suits brought against tobacco manufacturers or the subsequent settlement agreement and the November 23rd accord makes no mention of Medicaid or federal recoupment; and

WHEREAS, the U.S. Department of Health and Human Services has suspended recoupment activities; and

WHEREAS, we the members of the Ninetieth General Assembly believe that the suspension on the federal government's recoupment of tobacco

settlement funds should be converted into an outright prohibition against the federal government recouping any of the tobacco settlement money; and

WHEREAS, we the members of the Ninetieth General Assembly believe that if the federal government recoups any funds received through suits brought against tobacco manufacturers, such recoupment should be immediately returned to the state; and

WHEREAS, to prevent the seizure of state tobacco settlement funds when they become available to the states in 2000, an amendment to the Medicaid statute must be enacted to exempt tobacco settlement funds from recoupment:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby go on record in support of state retention of all state tobacco settlement funds; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the federal government, in the event recoupment occurs, to return upon receipt any tobacco settlement funds recouped from the state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby urge Congress to enact an amendment to the Medicaid statute that would exempt tobacco settlement funds from recoupment; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the entire Missouri Congressional delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 588**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator DePasco announced that photographers from KSDK-TV, KOMU-TV, KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HB 826**--Aging, Families and Mental Health.

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCR 35--Rules, Joint Rules and Resolutions.

HOUSE BILLS ON THIRD READING

HB 261, with **SCA 1**, introduced by Representative Auer, entitled:

An Act to repeal section 94.655, RSMo Supp. 1998, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Scott requested unanimous consent of the Senate to offer **SA 1**, which request was granted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 261, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with a termination date"; and

Further amend said bill, Page 1, Section 94.655, Line 6, by inserting after all of said line the following:

"Section B. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001.".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 261**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Klarich	Schneider	Singleton--3
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Absent with leave--Senators

Clay	Goode	Graves	Staples--4
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The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 346, introduced by Representative Thompson (37), entitled:

An Act to repeal section 92.402, RSMo Supp. 1998, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 346** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Schneider Singleton--2

Absent with leave--Senators

Clay	Goode	Graves	Staples--4
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The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 452, introduced by Representative Boatright, et al, entitled:

An Act to repeal section 302.341, RSMo Supp. 1998, relating to driver's licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

Senator Mathewson moved that **HB 452** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

	YEAS--Senators		
Banks	Childers	DePasco	Flotron
House	Johnson	Kenney	Mathewson
Mueller	Quick	Rohrbach	Scott

Wiggins--13

	NAYS--Senators		
Bentley	Bland	Caskey	Ehlmann
Howard	Jacob	Kinder	Klarich
Maxwell	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Yeckel--16

Absent--Senator Schneider--1

Absent with leave--Senators

Clay	Goode	Graves	Staples--4
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Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 7 was again taken up.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300.1(2), Line 1, by deleting the "," after the word "before" and inserting in lieu thereof the following: "or"; and further amend said bill, page 2, section 565.300.1(2), lines 1-3, by deleting the following: "or after, who is alive, determined in accordance with the usual and customary standards of medical practice"; and by inserting in lieu thereof the following: "whose life may be continued indefinitely outside the womb by natural or artificial life-supportive systems.".

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Ehlmann raised a point of order objecting to lobbyists on the side gallery, stating that under the provisions of Senate Rule 93 lobbyists are allowed admittance in the side galleries by invitation of a member only, but may not stay for an indefinite period of time.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Maxwell, **SSA 1** for **SA 7** was withdrawn.

At the request of Senator Maxwell, **SA 7** was withdrawn.

Senator Schneider offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 2, Section 565.300, Lines 18-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"3. A person is guilty of the crime of infanticide if such person causes the death of a living infant with the purpose to cause said death by an overt act performed when the infant is partially born or born."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator House offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. This section shall not apply to any person who attempts to perform a legal abortion pursuant to Chapter 188

RSMo prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born."

Senator House moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 6, by inserting after "**born**" on said line the following: "**, pursuant to Chapter 188, RSMo.**".

Senator Caskey moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Caskey, **SA 1** to **SA 9** was withdrawn.

Senator Johnson assumed the Chair.

At the request of Senator House, **SA 9** was withdrawn.

Senator House offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4, by inserting after all of said line the following:

"6. This section shall not apply to any person who attempts to perform a legal abortion if the act that causes the death is performed prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born."

Senator House moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Singleton offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Line 8, by striking the words "irrespective of the duration of pregnancy,"; and

Further amend said section, page 2, lines 8 and 9, by striking the words ", irrespective of the duration of pregnancy".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Section 565.300, Line 6 of said page, by inserting after "section," the following: "**and only in this section,**"; and

Further amend said bill, Page 2, Section 565.300, Lines 1-2 of said page, by striking "before, during or after birth" and inserting in lieu thereof the following: "**born or partially born**"; and further amend line 6 of said page, by striking "one month" and inserting in lieu thereof the following: "**thirty days**".

Senator House moved that the above amendment be adopted, which motion prevailed.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 436**, as amended: Senators Quick, Scott, Mathewson, Sims and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 219**, as amended: Senators Caskey, Scott, Mathewson, Klarich and Westfall.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, a group of constituents from the Sixth Senatorial District.

Senator Rohrbach introduced to the Senate, Brittany Powell, Jefferson City; and Brittany was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 11:00 a.m., Monday, May 3, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY--MONDAY, MAY 3, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Martin Luther arrived at his chapel an hour earlier than expected. His assistant asked him "Why?" Luther said: "I have a very heavy schedule today, with much to be accomplished, so I need an extra hour of prayer."

Let us Pray. Gracious and Merciful Father: We each here have a very demanding day and week ahead of us so we need this time with You in prayer. We need Your guidance to lead us on the paths of righteousness as we discern the bills that demand our attention. We ask that Your Holy Spirit may stir up our hearts and strengthen us this week to do and accomplish what is needed. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Scott offered Senate Resolution No. 775, regarding the Seventy-fifth Anniversary of the Lions Club of South Side, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 776, regarding Jared Wayne Summerville, Kearney, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 9** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 9** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Ehlmann	Howard	Jacob
Johnson	Schneider--6		
Absent with leave--Senators			
Clay	Staples--2		

Senator Caskey moved that **HCS** for **HCR 19**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCS** for **HCR 19** was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HCR 19** be adopted, which motion prevailed.

SCS for **HCS** for **HCR 19** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob	Schneider--3	
Absent with leave--Senators			
Clay	Staples--2		

Senator Childers moved that **HCS** for **HCR 3**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCS** for **HCR 3** was taken up.

Senator Childers moved that **SCS** for **HCS** for **HCR 3** be adopted, which motion prevailed.

SCS for **HCS** for **HCR 3** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers

DePasco	Flotron	Goode	House
Howard	Johnson	Kenney	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Scott	Sims	Singleton	Stoll
Westfall	Wiggins	Yeckel--23	
	NAYS--Senators		
Caskey	Ehlmann	Graves	Kinder
Steelman--5			
	Absent--Senators		
Jacob	Klarich	Russell	Schneider--4
	Absent with leave--Senators		
Clay	Staples--2		

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator DePasco announced that photographers from KOMU-TV and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 75, 381 and 204**; **SS** for **SCS** for **SBs 347, 40, 241 and 301**; **SB 472**; **HS** for **HB 516**, with **SCS**; **HB 401**, with **SCS**; **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**; **HB 191**, with **SCS**; **HS** for **HCS** for **HB 701**, with **SCS**; **HCS** for **HBs 316, 660 and 203**, with **SCS**; and **HS** for **HCS** for **HB 793**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, as amended, was taken up.

Senators Klarich, Schneider and House offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 1, by putting a period "." after the word birth, and deleting the remainder of said lines, and the words "of the child" on line 2; additionally, add at the end of line 4, the following:

"6. Only that person who performs the overt act required under subsection 3 of this section shall be culpable under this section, unless a person, with the purpose of committing infanticide, does any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

7. Nothing in this section shall be interpreted to exclude the defenses otherwise available to any person under the law including defenses provided pursuant to chapters 562 and 563, RSMo."

Senator Klarich moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Maxwell offered **SSA 1** for **SA 13**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 4 of said page, by inserting immediately after said line the following:

"6. The mother shall have the same defense of justification that is available to the physician pursuant to subsection 4 of section 563.061, RSMo."

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 13** is out of order as it is not a true substitute amendment, because it can be offered regardless of the outcome of the underlying amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 13** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SA 1** to **SA 13**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 5, by placing a period "." after the word "section" and striking the rest of said paragraph.

Senator Jacob moved that the above amendment be adopted.

Senators Schneider and Caskey offered **SSA 1** for **SA 1** to **SA 13**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 13

Amend Senate Amendment No. 13 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Line 7, by inserting after the word "offense" the words: "which results in the death of the living infant".

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

SA 13, as amended, was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 777, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Arthur Clark Nichols II, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 778, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dan Cornelison, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 779, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lester Swaney, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 780, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Fred Newman, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 781, regarding the Fifty-ninth Wedding Anniversary of Mr. and Mrs. C.W. Tompkins, Chillicothe, which was adopted.

Senators Bentley and Westfall offered Senate Resolution No. 782, regarding Dr. Arnold J. "Bud" Greve, Springfield, which was adopted.

PRIVILEGED MOTIONS

Senator Caskey, on behalf of the Conference Committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 291**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 291

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 291;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 291 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
 /s/ Ed Quick
 /s/ Jim Mathewson
 /s/ Betty Sims
 /s/ Roseann Bentley

FOR THE HOUSE:

/s/ Pat Dougherty
 /s/ Ralph Monaco
 /s/ Catherine L. Hanaway
 /s/ Emmy McClelland
 /s/ Marsha Campbell

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Banks	Bentley	Bland	Singleton
Stoll--5			
	Absent with leave--Senator Clay--1		

On motion of Senator Caskey, **CCS** for **HS** for **HCS** for **SB 291**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 291

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Johnson	Schneider--3
	Absent with leave--Senator Clay--1	

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Banks	Goode	Schneider	Scott
Staples--5			

Absent with leave--Senator Clay--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson, on behalf of the Conference Committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 334**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 334

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334;
2. That the attached Conference Committee Amendment No. 1 be adopted; and
3. That the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334 with Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Jim Mathewson	/s/ Gary Wiggins
/s/ Jerry Howard	/s/ Brian May
/s/ Sidney Johnson	/s/ James M. Foley
/s/ Bill Kenney	/s/ Gary Marble
/s/ Morris Westfall	/s/ Larry Crawford

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 334, Page 2, Section 644.143, Line 17, by inserting after the word "other" the following: "**scientific**".

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Maxwell	Schneider--3	
	Absent with leave--Senator Clay--1		

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 334**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll

Westfall

Wiggins

Yeckel--31

NAYS--Senators--None

Absent--Senators

Maxwell

Schneider--2

Absent with leave--Senator Clay--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HB 248**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 248

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 248, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 248;
2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 248;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ John E. Scott
/s/ Jim Mathewson
/s/ Stephen M. Stoll
/s/ Morris Westfall
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Don R. Kissell
/s/ Dana L. Murray
/s/ Mark Hampton
/s/ Carson Ross
/s/ Rex Barnett

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--29

	NAYS--Senators
Bland	Rohrbach--2
	Absent--Senators
Maxwell	Schneider--2
	Absent with leave--Senator Clay--1

On motion of Senator Westfall, **CCS** for **SCS** for **HB 248**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 248

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators
Bland	Rohrbach--2
	Absent--Senators
Maxwell	Schneider--2
	Absent with leave--Senator Clay--1

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from KMOV-TV, the Associated Press and the Kansas City Star had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HJR 26**--Agriculture, Conservation, Parks and Tourism.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, as amended, was again taken up.

Senator Johnson assumed the Chair.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300.5, Line 1, by inserting after the word "mother" on said line the following: "or obviate conditions which medically compromise the life of the mother".

Senator Jacob moved that the above amendment be adopted.

Senator Bland offered **SA 1** to **SA 14**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Line 3, by inserting after the word "obviate" the following: "permanent".

Senator Bland moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Sims offered **SSA 1** for **SA 1** to **SA 14**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Line 3, by inserting after the word "which" the following: "permanently and seriously".

Senator Sims moved that the above substitute amendment be adopted, which motion prevailed.

SA 14, as amended, was again taken up.

Senator Jacob requested a roll call vote be taken on the adoption of the above amendment and was joined in his request by Senators Bland, DePasco, House and Mathewson.

SA 14, as amended, failed of adoption by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Clay
Goode	Howard	Jacob	Maxwell

Quick	Sims	Staples--11	
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Clay offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300.5, Line 1, by inserting after the word "mother" on said line the following: "or when the mother suffers from a medical emergency".

Senator Clay moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 15**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 3, Section 565.300, Line 1, by inserting after the word "mother" the following: "**or prevent any condition, which if left untreated, could progress to such a point that death or permanent injury could result, but not a condition which creates a negligible threat to life or health or a significant threat of only transient health problems,**".

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HB 454** and has again taken up and passed **SCS** for **HS** for **HB 454**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 403**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 19**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 8 and 173**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto twelve new sections relating to health, with an effective date for certain sections and a penalty provision.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 1, In the Title, Line 3 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 9 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word and number "and 9" and inserting in lieu thereof the word and numbers ", 9 and 10"; and

Further amend said bill, Page 12, Section 9, Line 14 of said page, by inserting after all of said line the following:

"Section 10. Notwithstanding any other provision of law to the contrary, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 12, Section 9, Line 14 of said page by inserting after said line the following:

"143.136. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.

2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to

this section in an amount equal to the proportion of such individual's payment of health insurance premiums.

3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 and 173, Page 1, In the Title, Lines 2 and 3 on said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, relating to health, and to enact in lieu thereof twenty-two new sections relating to the same subject, with"; and

Further amend said bill, Page 1, Section A, Lines 8,9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 334.655 and 334.660, RSMo Supp. 1998, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 192.031, 192.033, 192.036, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 331.085, 334.506, 334.655, 334.660, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:"; and

Further amend said bill, Page 3, Section 192.036, Line 16 of said page, by inserting after all of said line the following:

"324.475. For the purposes of sections 324.475 to 324.499, the following terms mean:

- (1) "Acupuncture", the use of needles inserted into the body by piercing of the skin and related modalities, for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health;
- (2) "Acupuncturist", any person licensed as provided in sections 324.475 to 324.499, to practice acupuncture as defined in subdivision (1) of this section;
- (3) "Auricular detox technician", a person trained solely in, and who performs only, auricular detox treatment. An auricular detox technician shall practice under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo]. Such treatment shall take place in a hospital, clinic or treatment facility which provides comprehensive substance abuse services, including counseling, and maintains all licenses and certifications necessary and applicable;
- (4) "Auricular detox treatment", a very limited procedure consisting of acupuncture needles inserted into specified points in the outer ear of a person undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;
- (5) "Board", the state board of chiropractic examiners established in chapter 331, RSMo;
- (6) "Committee", the Missouri acupuncture advisory committee;
- (7) "Department", the Missouri department of economic development;
- (8) "Director", the director of the division of professional registration;
- (9) "Division", the division of professional registration of the department of economic development;
- (10) "License", the document of authorization issued by the [division] **board** for a person to engage in the practice of

acupuncture.

324.478. 1. There is hereby created **within the division of professional registration a committee to be known as the "Missouri Acupuncturist Advisory Committee"**[, to be composed of five members to be appointed by the governor with the advice and consent of the senate]. **The committee shall consist of five members, all of whom shall be citizens of the United States and registered voters of the state of Missouri.** The governor shall appoint [committee] **the members [who are citizens of the United States and registered voters in the state of Missouri, from a list provided by the director of the department of economic development.] of the committee with the advice and consent of the senate for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration.**

2. The initial appointments to the committee shall be one member for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

3. The public member of the committee shall not be and never has been a member of any profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by the provisions of sections 324.475 to 324.499 or an activity or organization directly related to the profession regulated pursuant to sections 324.475 to 324.499.

4. Any member of the committee may be removed from the committee by the governor for neglect of duty required by law, for incompetency or for unethical or dishonest conduct. Upon the death, resignation, disqualification or removal of any member of the committee, the governor shall appoint a successor. A vacancy in the office of any member shall only be filled for the unexpired term.

[2.] **5. The acupuncturist advisory committee shall:**

(1) [Assist the division in the] Review [and issuance of] all [licenses] **applications for licensure;**

(2) Advise the board on all matters pertaining to the licensing of acupuncturists;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make recommendations **and referrals** to the board on complaints the committee determines to warrant further action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties[.];

(5) Recommend for prosecution violations of sections 324.475 to 324.499 to an appropriate prosecuting or circuit attorney;

(6) Assist the board, as needed and when requested by the board, in conducting any inquiry or disciplinary proceedings initiated as a result of committee recommendation and referral pursuant to subdivision (3) of this subsection.

[3. The acupuncturist advisory committee shall:

(1) Be comprised of three licensed acupuncturists except for initial appointees who hold no other professional license in the state;

(2) One member shall be a physician duly licensed by the Missouri state board for chiropractic examiners; and

(3) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The board shall designate one member for a term expiring in 1999, one member for a term expiring in 2000, one member for a term expiring in 2001, one member for a term expiring in 2002, and one member for a term expiring in 2003. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.]

324.481. 1. The [division] **board** shall upon recommendation of the committee license applicants who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees required for this licensure.

2. The division shall:

(1) Prescribe [application] **the design of all** forms to be furnished to all persons seeking licensure pursuant to sections 324.475 to 324.499;

(2) Prescribe the form and design of the license to be issued pursuant to sections 324.475 to 324.499[;

(3) Set the fee for licensure and renewal thereof].

3. The board shall:

(1) Maintain a record of all board and committee proceedings regarding sections 324.475 to 324.499 and of all acupuncturists licensed in this state;

(2) Annually prepare a roster of the names and addresses of all acupuncturists licensed in this state, copies of which shall be made available upon request to any person paying the fee therefor;

(3) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(4) Adopt an official seal;

(5) Inform licensees of any changes in policy, rules or regulations[.];

(6) Upon the recommendation of the committee, set all fees, by rule, necessary to administer the provisions of sections 324.475 to 324.499.

4. The board may with the approval of the advisory committee:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend or revoke licensure;

(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions of sections 324.475 to 324.499 including, but not limited to, regulations establishing:

(a) Standards for the practice of acupuncture;

(b) Standards for ethical conduct in the practice of acupuncture;

(c) Standards for continuing professional education;

(d) Standards for the training and practice of auricular detox technicians, including specific enumeration of points which may be used.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective only if the agency has fully complied with all of the

requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this [act] **section** shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

6. All funds received by the board pursuant to the provisions of sections 324.240 to 324.275 shall be collected by the director who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the "Acupuncturist Fund" which is hereby created.

7. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the acupuncturist fund for the preceding fiscal year.

324.484. 1. Nothing in sections 324.475 to 324.499 shall be construed to apply to physicians and surgeons licensed pursuant to sections 334.010 to 334.265, RSMo, or [chiropractors] **chiropractic physicians** licensed pursuant to chapter 331, RSMo; except that, if such physician or surgeon or [chiropractor] **chiropractic physician**, with or without a current certification in meridian therapy, uses the title, licensed acupuncturist, then the provisions of sections 324.475 to 324.499 shall apply.

2. No license to practice acupuncture shall be required for any person who is an auricular detox technician, provided that such person performs only auricular detox treatments as defined in section 324.475, under the supervision of a licensed acupuncturist [or a physician licensed pursuant to sections 334.010 to 334.265, RSMo, or a chiropractor licensed pursuant to chapter 331, RSMo,] and in accordance with regulations promulgated pursuant to sections 324.475 to 324.499 [by the division]. An auricular detox technician may not insert acupuncture needles in any other points of the ear or body or use the title, licensed acupuncturist.

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the [division] **board** pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine; or

(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board; and

(2) Submits to the committee an application on a form [provided] **prescribed** by the division; and

(3) Pays the **appropriate** fee [specified by the division].

3. The [division] **board** shall issue a certificate of licensure to each individual who satisfies the requirements of

subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

324.490. 1. Licenses issued pursuant to sections 324.475 to 324.499 shall expire [on July first of each odd-numbered year] **every other year**. Renewal applications shall be submitted to the division along with [a] **the appropriate** renewal fee[, to be determined by the division].

2. A license to practice acupuncture which is not renewed on or before the date of its expiration becomes invalid. Such license may be restored by complying with the provisions of section 324.493.

324.493. Any acupuncturist who fails to renew such acupuncturist's license on or before the date of its expiration may restore such license as follows:

(1) If the application for renewal is submitted to the [division] **committee** not more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division] and by providing all documentation required by the [division] **committee** by rule; or

(2) If the application for renewal is submitted to the [division] **committee** more than two years after the expiration of the applicant's last license, by payment of the **appropriate** fee [specified by the division], and by reapplying as provided in subdivisions (1) and (2) of subsection 2 of section 324.487.

331.085. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought pursuant to this section shall be in addition to and not in lieu of any penalty provided in this chapter and may be brought concurrently with other actions to enforce the provisions of this chapter.

4. Nothing in this section shall be construed to prohibit a person licensed or registered pursuant to chapter 334, RSMo, whose license is in good standing from acting within the scope of his or her practice.

334.506. 1. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from providing educational resources and training, developing fitness or wellness programs for asymptomatic persons, or providing screening or consultative services within the scope of physical therapy practice without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that no physical therapist shall initiate treatment for a new injury or illness without the prescription or direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing.

2. Nothing in this chapter shall prevent a physical therapist, whose license is in good standing, from examining and treating, without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person with a recurring, self-limited injury within one year of diagnosis by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, or any person with a chronic illness that has been previously diagnosed by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, except that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection, shall not change an existing physical therapy referral available to the physical therapist without approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any patient whose medical condition should, at the time of examination or treatment, be determined to be beyond the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, any person whose condition, for which physical therapy services are rendered pursuant to this subsection, has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever shall come first. If the person's condition for which physical therapy services are rendered under this subsection shall be documented to be progressing toward documented treatment goals, a physical therapist may continue treatment without referral from a physician, chiropractor, dentist or podiatrist, whose license is in good standing. If treatment rendered under this subsection is to continue beyond thirty days, a physical therapist shall notify the patient's current physician, chiropractor, dentist, or podiatrist before continuing treatment beyond the thirty day limitation. A physical therapist shall also perform such notification before continuing treatment rendered under this subsection for each successive period of thirty days.

3. The provision of physical therapy services of evaluation and screening pursuant to this section, shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section, may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the provisions of subsection 2 of this section, may be delegated by physical therapists to physical therapist assistants only if the patient's current physician, chiropractor, dentist, or podiatrist has been so informed as part of the physical therapist's seven day notification upon reinitiation of physical therapy services as required in subsection 2 of this section. Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of a physician and surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing. Nothing in this subsection shall prohibit a person licensed or registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing, from acting within the scope of their practice as defined by the applicable chapters of RSMo.

4. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be at least nineteen years of age. A candidate shall furnish evidence of the person's good moral character and of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

- (1) A certificate of graduation from an accredited high school or its equivalent; and
 - (2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.
2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.
3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace a written examination and which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners. The examination shall be given by the board at least once each year. **The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.** The examination given at any particular time shall be the same for all candidates and the same curriculum shall be included and the same questions shall be asked.
4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.
5. Examination grades or scores shall be preserved by the board subject to public inspection. Examination papers retained by the board shall be subject to public inspection for a period of three years and thereafter may be destroyed.
6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after rules developed by the state board of registration for the healing arts regarding physical therapist assistant licensing become effective.
7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.660. The board shall license without examination legally qualified persons who hold certificates of licensure, registration or certification in any state or territory of the United States or the District of Columbia, who has had no violations, suspensions or revocations of such license, registration or certification, if such persons have passed a written examination to practice as a physical therapist assistant that was substantially equal to the examination requirements of this state and in all other aspects, including education, the requirements for such certificates of licensure, registration or certification were, at the date of issuance, substantially equal to the requirements for licensure in this state. **The board shall not issue a license to any applicant who has failed three or more times any physical therapist assistant licensing examination administered in one or more states or territories of the United States or the District of Columbia.** Every applicant for a license pursuant to this section, upon making application and providing documentation of the necessary qualifications as provided in this section, shall pay the same fee required of applicants to take the examination before the board. Within the limits of this section, the board may negotiate

reciprocal contracts with licensing boards of other states for the admission of licensed practitioners from Missouri in other states.".

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert C. Smith, Democrat, 709 Russell Boulevard, Columbia, Boone County, Missouri 65203, as a member of the Missouri Gaming Commission, for a term ending April 29, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 6, 1999 for your advice and consent:

Melissa C. Thomas-Hunt, 6301 Washington Avenue, University City, St. Louis County, Missouri 63130, as a public member of the Interior Design Council, for a term ending April 6, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 324.406.

Respectfully submitted,

MEL CARNAHAN

Governor

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 783, regarding Ruby Payne, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 784, regarding Service World Computer Center, Incorporated, Springfield, which was adopted.

Senator Mathewson offered Senate Resolution No. 785, regarding Brandon M. Boyd, Columbia, which was adopted.

Senator Bentley offered Senate Resolution No. 786, regarding the death of Milton Steele Phillips, Springfield, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SB 276**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, John and Luke Armbruster, Sikeston; and Luke was made an honorary page.

Senator Caskey introduced to the Senate, his wife, Kay, Butler; members of Women in Local Leadership, Warrensburg; and Whiteman Air Force Base Ladies.

Senator Yeckel introduced to the Senate, Dan West, Kansas City.

Senator Johnson introduced to the Senate, nineteen Girl Scouts from Weston.

Senator Wiggins introduced to the Senate, Mayor Kay Barnes and Joe Serviss, Kansas City.

Senator DePasco introduced to the Senate, City Councilperson Bonnie Sue Cooper and City Councilperson Becky Nace, Kansas City.

On behalf of Senator Quick, the President introduced to the Senate, Mike Burke, Kansas City.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 4, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY--TUESDAY, MAY 4, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

Senator Johnson offered the following prayer:

Father, we thank You for this day and the work we have to do. We pause to lift up the people affected by the tornadoes in Oklahoma and Kansas and pray that You give them comfort, security and safety. Help too with patience and wisdom as we continue our deliberations today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 787, regarding the One Hundredth Anniversary of the Sullivan Chapter 105, Order of the Eastern Star, which was adopted.

Senator Klarich offered Senate Resolution No. 788, regarding Brenda Joyce Snider, Pacific, which was adopted.

Senator Mueller offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 789

WHEREAS, the members of the Missouri Senate hold tremendous respect for their esteemed colleagues from the judicial branch of the Show-Me State government; and

WHEREAS, born in Lebanon, Missouri, on August 31, 1924, Robert T. Donnelly spent his childhood in Tulsa, Oklahoma, entered military service in 1943 as a member of the 405th Infantry Regiment of the 102nd Division where he advanced to the rank of Field Staff Sergeant, and while engaging German forces on February 23rd, 1945, was wounded in action, he recuperated in a hospital in England and was honorably discharged from the military service in March of 1945; and

WHEREAS, in 1946 Robert Donnelly entered the University of Missouri Law School and then on November sixteenth he married the former Susie Lathan; and

WHEREAS, upon graduation from law school in the summer of 1949, Robert Donnelly practiced law in the town of Greenfield in Dade County until he moved to Lebanon to work in the office of his uncle, Phil Donnelly, while the latter served as Governor of Missouri; and

WHEREAS, Robert T. Donnelly was sworn in as a member of the Supreme Court on September 7, 1965, where he served as Chief Justice in 1973 and 1981, retiring from the bench on January 1, 1989; and

WHEREAS, Judge Donnelly has never been one to go quietly into the night when he believes there exists an ongoing federal judicial encroachment upon the rights and responsibilities of citizen and state alike; and

WHEREAS, Judge Donnelly, as a contributing writer to the book Derailling the Constitution, observed that: "(T)he essence of the relationship between the people and their government is that the people, not the Court, are sovereign"; and

WHEREAS, in 1998 Judge Donnelly published a book that he titled A Whistle in the Night, which is an autobiographical sketch of Robert T. Donnelly the man, soldier, politician, husband, father, friend, writer, teacher, judge, and counsel to those who seek a greater knowledge and understanding of the Rule of Law; and

WHEREAS, his belief in and devotion to God, his wife Susie, sons Brian and Tom, and his duty to his country and the State of Missouri, such devotion having earned him respect of citizens from all walks of life:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to honor Judge Robert T. Donnelly for his many years of exemplary service to the people of this fine state as a member of the Supreme Court; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of retired Missouri Supreme Court Justice, Robert T. Donnelly.

Senator Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 790

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 1999, the American Legion Auxiliary, Department of Missouri, is conducting the fifty-eighth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol, where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the adult leaders and participants of the Fifty-eighth Session of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on Tuesday, June 22, 1999.

Senator Graves offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 791

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, First Regular Session hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirty-First Annual Missouri Jaycee Mock Legislature on November 6 and 7, 1999.

CONCURRENT RESOLUTIONS

Senator Goode moved that **SCR 2**, with **HCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **HCS** for **SCR 2** was adopted by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley	Ehlmann--2
	Absent with leave--Senator Schneider--1

Senator Goode moved that **HCR 11** be taken up for adoption, which motion prevailed.

Senator Goode offered **SS** for **HCR 11**:

SENATE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private tele-communications and energy

entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecom-munications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the House of Representatives, to be appointed by the Speaker of the House, and seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Goode moved that **SS** for **HCR 11** be adopted, which motion prevailed.

SS for **HCR 11** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Ehlmann--1

Absent with leave--Senator Schneider--1

RESOLUTIONS

Senator Flotron moved that **SR 595** be taken up for adoption, which motion prevailed.

Senator Flotron moved that the above resolution be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Goode moved that **HCR 28**, with **SCS**, be taken up for adoption, which motion prevailed.

Senator Graves offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Concurrent Resolution No. 28, as it appears in the Journal of the Senate, Thursday, April 22, 1999, Page 864, in the right hand column of said page, in the ninth paragraph of said resolution, by striking the words "and any other issues the committee deems relevant" in said line.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCR 28**, as amended, be adopted, which motion prevailed.

SCS for **HCR 28**, as amended, was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach--1			
Absent--Senators			
Ehlmann	Quick--2		
Absent with leave--Senator Schneider--1			

Senator DePasco announced that photographers from the Associated Press, KOMU-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

Senator Mathewson assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

HB 300, introduced by Representative Green, entitled:

An Act relating to automobile driver's licenses.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 300** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Maxwell	Singleton--3	
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 326, introduced by Representative Parker, entitled:

An Act to repeal section 41.160, RSMo 1994, relating to certain military forces, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HB 326** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Singleton--2		
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 415, with **SCA 1**, introduced by Representatives Vogel and Gratz, entitled:

An Act relating to employment and educational opportunities for selective service registrants.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HB 415**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Ehlmann	Kinder	Singleton--4
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 812, with **SCS**, introduced by Representative Berkowitz, et al, entitled:

An Act to repeal sections 205.200 and 206.060, RSMo 1994, relating to public hospitals, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 812**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 812

An Act to repeal sections 92.031, 205.200 and 206.060, RSMo 1994, relating to tax levies for local governments providing certain public services, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 812** be adopted.

At the request of Senator Maxwell, the above motion was withdrawn.

HB 866, with **SCS**, introduced by Represen-tative Treadway, entitled:

An Act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 866**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 866

An Act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

Was taken up.

Senator Scott moved that **SCS** for **HB 866** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 866** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Clay	Mueller--3	
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for SA 15 was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Staples assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Scott assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 19--Appropriations.

Senator Quick moved that the appointment of Melissa C. Thomas-Hunt be returned to the Governor, pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SB 288**, entitled:

An Act relating to the sole purpose of creating the Missouri tobacco settlement trust fund for certain anti-smoking education and health care services.

With House Amendment No. 1 and House Substitute Amendment No. 2 for House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1.3, Line 9, by inserting after the word "appropriation" the following language: "by the General Assembly."

HOUSE SUBSTITUTE AMENDMENT NO. 2

FOR HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 8, by inserting before the words "health care" the following: "**For tobacco-related**"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 405**, entitled:

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 3, Section 67.791, Line 39, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 19, Section 67.799, Line 27, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 249, by inserting at the end of said line the following: "**In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in subdivision (3) of this subsection.**"

(3) In each county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, a municipal grant commission shall be established for the purpose of awarding grant proceeds to municipalities for park and recreation purposes. The municipal grant commission shall establish rules and shall evaluate, approve and distribute grants and ensure the proper management of the municipal grant program described in subdivision (2) of this subsection. In making its grant distribution decisions, the municipal grant commission shall consider such factors as the population of municipalities within a county, the level of intergovernmental cooperation on grant requests to the municipal grant commission, the amount of grant funds provided to specific municipalities in prior years and the park and recreation needs in the municipality requesting the grant. The municipal grant commission shall consist of one voting member from each county council district, none of whom shall be municipal officials. Members of the municipal grant commission shall be elected by the chief elected officials of the municipalities located predominately by population in such county council district. The municipal grant commission shall also have two nonvoting members. One of the nonvoting members shall be a full-time city administrator and the other shall be a full-time municipal parks and recreation employee. The municipal grant commission shall also establish a nine-member advisory committee. The nonvoting member of the municipal grant commission who is a full-time municipal parks and recreation employee shall serve as chair of such advisory committee."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 244, by inserting immediately after the word "**district.**" the following: "**Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision.**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HS** for **HCS** for **SB 291** and requests a further conference on **HS** for **HCS** for **SB**

291.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 334** and has taken up and passed **HCS** for **SCS** for **SB 334**, as amended by the Conference Committee Report.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James D. Johnson, Republican, 8750 Highway H, Southeast, Agency, Buchanan County, Missouri 64401, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, James F. Gibson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

On motion of Senator DePasco, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate conferees on **SCS** for **HB 789** be allowed to exceed the differences on technical language in the bill, which motion prevailed.

Senator Mathewson moved that **SCS** for **HB 792**, with **HPA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Goode	Howard	Maxwell
Singleton--5			

Absent with leave--Senator Schneider--1

On motion of Senator Mathewson, **SCS** for **HB 792**, as amended by **HPA 1**, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Goode	Jacob	Maxwell
Singleton--5			

Absent with leave--Senator Schneider--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 37**.

HOUSE CONCURRENT RESOLUTION NO. 37

WHEREAS, accessibility to offices, hearing rooms, and other facilities within the State Capitol continues to fall short of compliance with the Americans with Disabilities Act, thereby denying meaningful access by legislators, staff and visitors to these public spaces; and

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative business in the State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive State Office Space Study and Master Plan, after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, the Sverdrup study declared "The Capitol Building, with the exceptions of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding". And "Many spaces are poorly ventilated,[and] lighted..."; and

WHEREAS, existing conditions present urgent needs for mechanical, electrical and other infrastructure repairs and improvements to restore and renovate the State Capitol for its historic preservation for all citizens of this state;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that pursuant to the provisions of Section 8.460, RSMO, the board of public buildings be advised to reassign certain offices and other space within the State Capitol to provide accessible and adequate space for the members of and functions necessary for the Missouri General Assembly; and

BE IT FURTHER RESOLVED that certain rooms and space within the State Capitol, as listed below, some of which may now be occupied by others, be vacated by the current occupants and be reassigned or assigned as noted below, such assignments to be in addition to all other rooms and space presently occupied by the House of Representatives and the Senate; and

BE IT FURTHER RESOLVED that the terms and agreements of all previous Resolutions are vacated and that the following rooms on the first, second, third, fourth, and basement floors of the State Capitol be assigned as follows:

(1) To the House of Representatives:

Rooms as follows: B-16, B-20, B-20A, B-21, B-21A, B-22, B-25, B-25A, B-30, B-31, B-31A, B-32, B-32A, B-33, B-33A, B-33B, B-34, B-35, B-36, B-37, B-37A, B-38, and House Hearing Rooms 1,2,3,4,5,6,7,8, and 9 and which may be designated by other numbers and all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 100, 101, 102, 102B, 103, 103B, 104, 105, 106, 107, 108, 109, 109A, 110, 110A, 110B, 111, 112, 113, 114 (A-C), 115, 116, 116A, 117 (A-E), 117H, 118C, 118G, 118H, 130D, 131, 132, 134, 135, 135A, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 200, 200A, 200B-C, 200C, 201(A, B, A-A, B-A, B-B), 202, 203, 204, 204B, 205 (A-B), 206, 207 (A-B), Vault-10, 233, 233A, 233B, 234, 235, 235B-A, 235B-B, , 235C, 236, 236A, 236B, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third and fourth floors of the Capitol currently occupied by the House; and the fifth floor SE alcove area directly above the third floor grand staircase alcove.

(2) To the Senate

Rooms as follows: B-8D, B-8E, B-8F, B-9, B-11, B-12, B-13, B-14A, B-14B, B-14C, B-14D, B-14E, B-15B, B-41, B-42, B-43A, B-43B, all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 118, 118A, 118B, 118E, 119, 119A, 119B, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 227, 227A, 227B, 227C, V-11, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third, fourth and fifth floors of the Capitol currently occupied by the Senate.

BE IT FURTHER RESOLVED, pursuant to sections 8.015 and 8.017, RSMo., that the Senate and House of Representatives retain control of all of the third and fourth floors as stated above; and

BE IT FURTHER RESOLVED that the House provide necessary space for members of the press on the House side of the Capitol who may be required to vacate space as a result of this resolution; and that the Senate provide necessary space for members of the press on the Senate side of the Capitol who may be required to vacate space as a result of this resolution; and

BE IT FURTHER RESOLVED that the rooms and areas be made available commencing May 17, 1999 and be totally delivered not later than June 10, 1999; and

BE IT FURTHER RESOLVED that rooms 127, 127A, 128, 129, 130, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and room 208, upon this area being vacated by the Secretary of State, and rooms 230, 231, 232, upon these rooms being vacated by the State Treasurer, shall come under the control of the House of Representatives; and

BE IT FURTHER RESOLVED that rooms 122, 123, 124, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and rooms 125 and 126, upon these area being vacated by the Commissioner of Administration of the Office of Administration, room 224 upon this room being vacated by the State Auditor, shall come under the control of the Senate; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House and the Administrator of the Senate shall mark the rooms assigned upon blueprints and shall submit the blueprints to the board of public buildings and the office of design and construction, together with a vacating date and together with a properly inscribed copy of this resolution;

BE IT FURTHER RESOLVED that where room numbers and descriptions are not clear, that the blueprints shall control and that all rooms, existing or to be built, shall be renumbered in a logical and orderly manner so as to accurately reflect the intent of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 31** and **285**, entitled:

An Act to repeal sections 105.473, 105.955, 105.963, 130.031, 130.036, 130.046, 130.050, 130.057 and 130.110, RSMo Supp. 1998, and both versions of section 130.041, as they appear in RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 12, Section 105.964, Line 7, by deleting the word "**seven**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 24, Section 130.046, Line 3, by deleting the word "seventh" and inserting in lieu thereof the following: "[seventh] **eighth**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.057, Line 18, by deleting the word "shall" and inserting in lieu thereof the following: "[shall] **may**".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 1, In the Title, Line 2, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 29, Section 130.050, Line 53, by inserting after all of said line the following:

"130.056. 1. The executive director of the Missouri ethics commission shall:

(1) Take such steps as are necessary to disseminate among the general public such information as may serve to guide

all persons who are or may become subject to the provisions of this chapter for the purpose of facilitating voluntary compliance with the purposes and provisions of this chapter;

(2) Be responsible for expediting the filing of all reports, statements and other information required to be filed pursuant to the provisions of this chapter and, in connection therewith, be responsible for developing procedures whereby all candidates shall be informed of the provisions of section 130.016 so as to assure the timely filing of statements which some candidates are eligible to file as provided in section 130.016;

(3) Develop and publish forms and printed instructional material and furnish such forms and instructions to persons required to file reports and statements pursuant to the provisions of this chapter, together with a summary of the provisions of chapter 115, RSMo, which apply to candidates and committees covered by this chapter, provided, however, such forms shall not seek information which is not specifically required by this chapter. All forms furnished pursuant to this chapter shall clearly state in readable type on the face of the form the date on which the form became effective. The forms published by the executive director shall provide for compliance with reporting and other provisions of this chapter. Any report form published by the executive director for purposes of compliance with section 130.041 shall provide for reporting contributions from individuals, corporations, labor organizations and fictitious entities and contributions from committees on the same form. Contributions from committees shall be listed first on each report form. All expenditures shall also be reported on a single report form;

(4) Develop a filing, coding and cross-indexing system for reports and statements required to be filed with the Missouri ethics commission, and preserve such reports and statements for a period of not less than five years from date of receipt;

(5) Make the reports and statements filed with the Missouri ethics commission available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(6) Examine each report and statement filed with the Missouri ethics commission pursuant to the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;

(7) Notify a person required to file a report or statement pursuant to this chapter with the Missouri ethics commission immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

(8) From reports filed with the Missouri ethics commission, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;

(9) Prepare and publish such other reports as the Missouri ethics commission deems appropriate;

(10) Disseminate statistics, summaries, and reports prepared under this chapter;

(11) Employ staff and retain such contract services, including legal services to represent the commission before any state agency or before the courts as the executive director deems necessary within the limits authorized by appropriation by the general assembly.

2. Each appropriate officer other than the executive director of the Missouri ethics commission shall:

(1) Assist the executive director in furnishing forms and printed instructional material to persons required to file reports and statements pursuant to the provisions of this chapter;

(2) Accept reports and statements required to be filed with the person's office;

(3) Develop for the officer's constituency a filing, coding, and cross-indexing system consonant with the purposes of

this chapter;

(4) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(5) Preserve such reports and statements for a period of not less than five years from the date of receipt;

(6) Examine each report and statement filed with the person's office pursuant to the requirements of this chapter to determine if the reports and statements appear to be complete and filed within the required time;

(7) Notify a person required to file a report or statement pursuant to this chapter immediately if, upon examination of the circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

(8) Notify the Missouri ethics commission if the person has reasonable cause to believe that a violation of this chapter has occurred;

(9) Assess every candidate for state or local office failing to file with a local election authority pursuant to section 130.026, a campaign disclosure report as required by chapter 130, RSMo, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day such report is due to the election authority. The local election authority shall mail a notice, by registered mail, to any candidate and candidate committee treasurer and deputy treasurer who fails to file such report informing such person of such failure and the fees provided by this subdivision. If the candidate persists in such failure for a period in excess of thirty days beyond the receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three thousand dollars.

3. Any person receiving from an appropriate officer a copy of, or who is permitted to inspect or make a copy of, any report or statement filed pursuant to the requirements of this chapter shall sign a statement that the person will not utilize the reports or statements or any information thereon for any commercial use, except for public news reporting, whatsoever and will not transfer the information obtained to any other persons for such purposes. It shall be the responsibility of each appropriate officer to instruct any person making a request to inspect, copy or receive a copy of any report or statement or any portion of a report or statement filed pursuant to this chapter that the utilization of any information obtained from such reports for any commercial purpose is a violation of this chapter."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 31, Section 1, Line 4, by inserting immediately after said line the following:

"Section 2. There is hereby created the position of director of electronic information systems within the Missouri ethics commission. The director of electronic information systems shall, at a minimum, have a baccalaureate degree from an accredited institution of higher education with a major in computer science, computer engineering or computer programming. In addition to the baccalaureate degree, the director shall have appropriate work experience in the field of computer science, computer engineering or computer programming. The director shall be employed pursuant to subsection 11 of section 105.955, RSMo. The director shall administer and be responsible for the establishment, implementation and maintenance of computer systems, electronic reporting and other electronic information and communication systems as may be required pursuant to the authority and requirements of the Missouri ethics commission."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 31, Section 105.966, Line 4, by deleting the words "**three months**" and inserting in lieu thereof the words "**ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 5, by deleting the words "**be granted an additional three months**" and inserting in lieu thereof the words "**file a petition in the Cole County circuit court to request an additional ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 6, by inserting at the end of said line the following: "**Upon filing the petition, the ninety day period shall be tolled until the court determines whether additional time is needed.**"; and

Further amend said bill, Page 31, Section 105.966, Line 11, by inserting after the word "**upon**" the following: "**by the ethics com-mission**".

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.057, Line 26, by deleting the word "shall" and in lieu thereof the following: "[shall]" "**may**."

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 25, Section 130.046, Line 50, by inserting after the following: "September." the following: "**No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election.**".

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 16, Section 130.031, Line 132, by adding after "information." the following:

"It shall also be a violation if the information contained in any printed or broadcast material is false and if done in conjunction and participation with any candidate, the candidate shall be held equally liable."

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.050, Line 44, by deleting all of said line and inserting in lieu thereof the following:

"Section 130.032] **two hundred fifty dollars** by a candidate committee supporting a candidate for".

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 9, Section 16, Line 186, by inserting after said line the following:

"**Such advisory opinions shall be issued no later than ninety (90) days from date of receipt by the commission.**"

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 548, with **SCS**, introduced by Represen-tative Kennedy, entitled:

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for **HB 548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 548

An Act to repeal sections 135.550, 135.600 and 144.014, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 548** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 548** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Goode	Maxwell--3	
Absent with leave--Senator Schneider--1			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS**, **SS No. 2** for **SCS**, **SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

Senator Johnson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Banks offered **SA 1** to **SSA 1** for **SA 15**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 15

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 15 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Lines 2-7, by deleting all of said lines in the amendment and inserting in lieu thereof the following: "or protect her health."

Senator Banks moved that the above amendment be adopted.

Senator DePasco requested a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Childers

Clay DePasco Ehlmann Flotron

Graves House Howard Jacob

Johnson Kenney Kinder Klarich

Mathewson Maxwell Mueller Quick

Rohrbach Russell Schneider Scott

Sims Staples Steelman Stoll

Westfall Wiggins Yeckel--31

Absent--Senators

Banks Goode Singleton--3

Absent with leave--Senators--None

PRIVILEGED MOTIONS

Senator DePasco submitted the following motion:

The undersigned, as a result of the absence of the Senator from the 5th, hereby submit the following motion on the question of passage of SA 1 to SSA 1 for SA 15 to SS No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404.

SHALL THIS QUESTION BE NOW PUT?

/s/ Ronnie DePasco	/s/ Steve Ehlmann
/s/ John E. Scott	/s/ Jim Mathewson
/s/ Harry Wiggins	/s/ Franc Flotron
/s/ John T. Russell	/s/ John D. Schneider

Senator Caskey raised the point of order that the motion offered by Senator DePasco to move the previous question on **SA 1 to SSA 1 for SA 15** is out of order because the sponsor of the amendment is not present.

Senator Wiggins assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob raised the point of order that the motion is not timely because the Senate is on another order of business.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

The motion to move the previous question on **SA 1 to SSA 1 for SA 15** was adopted by the following vote:

	YEAS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Bland	Caskey	Clay	Goode
Howard	Jacob	Maxwell--7	
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 1 to SSA 1 for SA 15** and was joined in his request by Senators Jacob, Mathewson, Russell and House.

SA 1 to SSA 1 for SA 15 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	Goode
Graves	Howard	Jacob	Maxwell
Quick	Sims	Staples--11	
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller

Rohrbach
Singleton
Wiggins

Russell
Steelman
Yeckel--22
Absent--Senator Banks--1
Absent with leave--Senators--None

Schneider
Stoll

Scott
Westfall

SSA 1 for **SA 15** was again taken up.

Senator Johnson assumed the Chair.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 15, Page 22, Section 15.156, Line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 22, section 15.158, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.162, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.166, lines 1-8, by deleting all of said lines; and

Further amend said bill, page 23, section 15.168, lines 1-10, by deleting all of said lines.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 16, Page 6, Section 16.029, Line 3, by deleting the word "gas" on said line and inserting in lieu thereof the word "grants".

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted the Conference Committee Report on SCS for HCS for **HB 348** and has taken up and passed CCS for SCS for **HCS** for **HB 348**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 76**.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 76, Page 3, Section 141.830, Line 21, by inserting after all of said line the following:

"Section 1. No person or entity seeking a state contract shall be eligible for any such contract if such person or entity is delinquent in state, federal or local taxes of any kind. This section shall not apply to persons or entities contesting any such delinquency, either in a court of law or through the administrative procedures of the governmental agency responsible for collecting such tax."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 76, Page 3, Section 141.830, Line 21 by inserting after said line the following:

"Section 1. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 76, Page 2, Section 92.715, Line 10, by inserting after the number "**2000**" the phrase "**on**

owner-occupied residential property"; and

Further amend said bill, Page 2, Section 140.100, Line 7, by inserting after the number "**2000**" the phrase "**on owner-occupied residential property**"; and

Further amend said bill, Page 3, Section 141.830, Line 11, by inserting after the number "**2000**" the phrase "**on owner-occupied residential property**".

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 76, Page 2, Section 140.100, Line 9, by adding after the words "**Federal Reserve System.**" the following: "**The longer tax rates as stated in this subsection shall apply to all counties operating under Chapter 140.**".

In which the concurrence of the Senate was respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 196**, entitled:

An Act to repeal sections 86.450, 86.457 and 105.691, RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 196, Page 1, In the Title, Line 2, by deleting the following: "sections 86.450, 86.457" and inserting in lieu thereof the following: "section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "Sections 86.450, 86.457" and inserting in lieu thereof the following: "Section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "twelve new sections enacted in lieu thereof, to be known as sections 86.251, 86.253, 86.254, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810 and 105.691"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"86.251. 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members eligible for retirement may participate. The DROP shall be designed to allow members with at least twenty years of service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had retired shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's retirement. Cost-of-living increases, if any, for any period following the member's retirement shall be applied only to monthly service retirement payments made following retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or widow's or dependents' benefits.

4. The member's return of contributions to the retirement system shall continue to be paid to the member or the member's widow pursuant to sections 86.253 and 86.288, within sixty days after the member's date of retirement and not the date of the conclusion of the member's participation in the DROP, unless such dates are the same.

5. A member shall cease participation in the DROP upon the earlier of the termination of the member's employment as a police officer or at the end of the five-year period commencing on the first day of the participation in the DROP. The member shall, upon the member's termination of employment, elect to receive the amount in the member's DROP account, including any accrued interest, in one of the following forms of payment:

(a) A lump sum payment; or

(b) Equal monthly installments over a ten-year period. Any interest earned pursuant to this section during the installment period shall be paid as soon as reasonably possible after the final monthly installment. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

6. A member who has elected to participate in the DROP may not reenter the system in any fashion. At the conclusion of the member's participation in the DROP by reason of the expiration of the five-year period, if the member does not terminate the member's employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.363, the member shall continue not to have any percentage of the member's salary deducted for a contribution nor shall any of the member's employment period count as creditable service.

7. If a member dies prior to termination of employment while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the funds in the member's DROP account, including any accumulated interest, shall be payable to the member's widow; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, the member's estate. Payment shall be made within sixty days after the retirement system is notified of the member's death.

8. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance [under] **pursuant to** the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any funds in a DROP account which have been forfeited as provided in this subsection shall become funds of the system.

9. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the first day of each year, beginning with the second fiscal year of participation, the member's DROP account balance, determined as of the first day of such year, shall be credited with interest at the investment rate earned by the fund for the prior year. If distribution of the member's DROP account balance is completed during the year, interest shall be credited, based on the beginning balance for the year, in proportion to the part of the year preceding the date of final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

10. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or funds of the DROP.

11. The DROP established by this section is subject to approval by the Internal Revenue Service. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any DROP provision if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's widow or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's widow shall continue until the widow's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date payment begins. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date payment begins.

86.253. 1. Upon retirement for service, a member shall receive a service retirement allowance which shall be equal to a fraction of the member's average final compensation multiplied by the number of years of the member's creditable service, which fraction for the year of retirement is one-fiftieth plus an amount equal to four percent of the average final compensation for each additional year of service after twenty-five years; **plus an additional five percent for service after thirty years;** but no service retirement allowance shall exceed an amount equal to [seventy] **seventy-five** percent of the average final compensation or the amount already accrued by the member as of August 1, 1979, whichever is greater.

2. If, at any time since first becoming a member of the retirement system, the member has served in the armed forces of the United States, in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence.

3. The service retirement allowance of each present and future retired member who retired from service after attaining age fifty-five or after completing twenty years of service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or widow of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit. Any annuity or retirement allowance paid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

4. In addition to any other annuity or retirement allowance payable under this section and section 86.250, a member,

upon retirement, shall be repaid the total amount of the member's contribution to the retirement system, without interest. The board shall pay the retired member such total amount of the member's contribution to the retirement system within sixty days after such retired member's date of retirement. Any annuity or retirement allowance repaid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services he or she shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, shall, unless the provisions of subsection 6 of this section apply, total [five] **six** hundred fifty dollars a month[, effective August 28, 1993]; except that a surviving spouse of a deceased member who is employed as a special consultant shall, unless the provisions of subsection 6 of this section apply, receive compensation for the person's services as a special consultant of not less than [five] **six** hundred fifty dollars a month[, effective August 28, 1993]. This compensation shall be paid by the retirement system from funds of the retirement system, and this employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

6. The compensation granted retirees and surviving spouses of deceased members under subsection 5 of this section shall be decreased by one hundred fifty dollars per month upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay such additional one hundred fifty dollars per month even though such additional compensation is formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.363, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of [his] **the retired member's** life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any widow pursuant to sections 86.200 to 86.363, each present and future widow of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the widow's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each widow of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the widow is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.363, exceed the [lesser of:

(1) The] amount specified in section 415(b) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination

of employment[; or

(2) One hundred percent of the average taxable compensation of the member for the member's high three consecutive calendar years as provided in section 415(b) of the Internal Revenue Code, including any cost-of-living increases after the member's termination of employment].

2. In no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.363, on behalf of the member, including the member's own contributions, exceed the lesser of:

(1) Twenty-five percent of the member's compensation, as defined for purposes of section 415(c) of the Internal Revenue Code; or

(2) Thirty thousand dollars, as adjusted for increases in the cost of living.

3. **Effective for limitation years beginning prior to January 1, 2000**, in no event shall the combined plan limitation of section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the member's annual benefit under the plan established pursuant to sections 86.200 to 86.363, shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, section 415 of the Internal Revenue Code, including the special rules under section 415(b) applicable to governmental plans and qualified participants in police and fire department plans, is incorporated in this section by reference.

86.260. 1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if the member has attained the age of fifty-five or completed twenty years of service; otherwise the member shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's service to the age set out in section 86.250.

2. **Effective October 1, 1999**, the ordinary disability retirement allowance will be increased by [ten] **fifteen** percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed [fifty-five] **seventy** percent of such average final compensation.

3. **Any member receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the member is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children.**

4. Any benefit payable to or for the benefit of a child or children under the age of eighteen years [under] **pursuant to** the provisions of [subsection 2] **subsections 2 and 3** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.280. Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are

payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the widow shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of section 86.283, to the benefit the widow was receiving prior to October 1, 1999;**

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or dependent children, the return of accumulated contributions to the designated beneficiary;

[(4)] (5) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] (6) Wherever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age eighteen, or who,

regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children; [provided, however, that a widow of a member who retired prior to October 13, 1967, fixing the twenty-five percent benefit shall receive a fifteen percent benefit in lieu thereof;]

(2) **Any widow or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the widow's total monthly payment pursuant to this section to forty percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the widow was receiving prior to October 1, 1999;**

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow, **determined without regard to any increase which would have applied to the widow's benefits pursuant to subdivision (8) of this section**, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefits shall be paid for one child;

[(3) In the event of a member's retirement from service prior to age fifty-five or prior to completion of twenty years of service, the only benefit in addition to the member's service allowance shall be a pension to the member's widow of thirty percent of such deceased retired member's retirement benefit which the member was receiving or which the member would have received on attaining age fifty-five and which such widow shall receive until such person's death or remarriage;]

(4) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's widow during the person's widowhood shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to subdivisions (1) [and (2)] to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable [under] **pursuant to** this section to the widow of a retired member who received or was entitled to receive a service retirement allowance **or the widow of a member who died in service after attaining the age of fifty-five or completing twenty years of service** shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

86.287. Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of all other benefits the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [fifty] **seventy-five** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, will increase the widow's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children;**

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow, shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or unmarried dependent children of either class mentioned in subdivision [(2)] (3) of this section, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

[(4)] (5) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] (6) Wherever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by

any state college or university."; and

Further amend said bill, Page 3, Section 86.457, Line 30, by inserting after all of said line the following:

"86.810. The provisions of any other law notwithstanding, the board of trustees of any retirement system, the provisions of which are governed by this chapter, or any political subdivision which funds such retirement system, shall have standing to seek a declaratory judgment concerning the application of article X, section 21 of the Missouri Constitution to the provisions of this [act] **chapter**. In the event a final judgment is rendered by a court which judgment determines that any provision of this [act] **chapter** constitutes a new activity or service or increase in the level of an activity or service beyond that required by existing law under article X, section 21 of the Missouri Constitution, or any successor to that section, that provision of this [act] **chapter** shall be void ab initio and any new benefit or feature required by such provision of this [act] **chapter** shall be deemed not to have accrued and shall not be payable to members."

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

Senator Mathewson assumed the Chair.

Senator DePasco requested that a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Childers

DePasco Ehlmann Flotron Goode

Graves House Howard Jacob

Johnson Kenney Kinder Klarich

Mathewson Maxwell Mueller Quick

Rohrbach Russell Schneider Scott

Sims Singleton Staples Steelman

Stoll Westfall Wiggins Yeckel--32

Absent--Senators

Banks Clay--2

Absent with leave--Senators--None

Senator Flotron moved that the back gallery be considered a part of the Senate Chamber for the next 30 minutes for purposes of establishing a quorum, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode requested unanimous consent of the Senate to allow the Appropriations Committee to meet in the Senate Lounge while the Senate is in session, which request was granted.

President Pro Tem Quick assumed the Chair.

Senator Maxwell requested a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Childers

Clay DePasco Ehlmann Flotron

Goode Graves House Howard

Jacob Johnson Kenney Kinder

Klarich Mathewson Maxwell Mueller

Quick Russell Schneider Scott

Sims Singleton Staples Steelman

Stoll Westfall Wiggins Yeckel--32

Absent--Senators

Banks Rohrbach--2

Absent with leave--Senators--None

SSA 1 for SA 15 was again taken up.

Senator Mathewson assumed the Chair.

Senator Scott assumed the Chair.

Senator Jacob requested a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley

Bland

Caskey

Childers

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

Senator Klarich raised the point of order that a Senator loses the floor if he is not present when a quorum is established.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem Quick assumed the Chair.

Senator Jacob moved that **SSA 1** for **SA 15** be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 15** and was joined in his request by Senators Kinder, Klarich, Sims and Staples.

SSA 1 for **SA 15** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	Goode
Howard	Jacob	Mathewson	Maxwell
Quick	Sims	Staples--11	
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

SA 15 was again taken up.

Senator Clay moved that the above amendment be adopted.

Senator Klarich requested that a roll call vote be taken on the adoption of **SA 15** and was joined in his request by Senators Childers, Kenney, Kinder and Sims.

SA 15 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Caskey	Clay	Goode
Howard	Jacob	Maxwell	Quick
Staples--9			

NAYS--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

Absent--Senator Banks--1

Absent with leave--Senators--None

At the request of Senator House, **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, as amended, was withdrawn.

Senator House offered **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 427, 40, 196 and 404

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

Senator House moved that **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Klarich, Wiggins and Kinder.

SS No. 3 for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Bland	Clay	Goode	Jacob
Maxwell	Quick--6		

Absent--Senator Banks--1

Absent with leave--Senators--None

On motion of Senator House, **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House

Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Bland	Clay	Goode	Jacob
Maxwell	Quick--6		
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Andy Rice, Patty Buckmaster and Jeff Whitesell, Springfield; and Andy was made an honorary page.

Senator Flotron introduced to the Senate, fifty-eight fourth grade students from Kirk of the Hills Day School, St. Louis.

Senator Mueller introduced to the Senate, members of the Kirkwood Chamber of Commerce.

Senator House introduced to the Senate, twenty seventh grade students from Holy Rosary School, Warrenton.

Senator Ehlmann introduced to the Senate, St. Charles County Executive Joe Ortwerth, St. Charles.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

Senator Steelman introduced to the Senate, first and second grade students from St. George School, Linn.

Senator Mathewson introduced to the Senate, Ellen L. Hughes-Cromwick, Ph.D., Dearborn, Michigan.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 5, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY--WEDNESDAY, MAY 5, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Heavenly Father: We know that all that we have and all that we are capable of accomplishing come from You. We are but temporary managers here in the Senate allowed to exercise authority and make decisions as You would will for us. May we be good stewards of the blessings and responsibilities You have entrusted to us as we serve those who elected us. And Merciful Father, be with those individuals and families who have lost so much during these two days of storms, especially where death has come to those in Oklahoma and Kansas. Be with them and grant them comfort and peace with Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 792, regarding Dr. William M. Harris, which was adopted.

Senator Graves offered Senate Resolution No. 793, regarding Charles A. Lau, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senator Wiggins, joined by the entire membership of the Senate, offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, the members of the Missouri Senate are pleased to learn of the latest outstanding accomplishment of George Brett, former All Star third baseman and player for the Kansas City Royals; and

WHEREAS, from 1974 until he retired as a player in 1994, George Brett was the premier player of the Kansas City Royals, leading his team to Division Championships, American League Pennants and in 1985 the ultimate achievement of baseball, the World Series Championship, and became the first player to win the batting championship in 3 consecutive decades; and

WHEREAS, George Brett was throughout his playing career, and has continued thereafter, to be the perfect gentleman on and off the field, the favorite of the fans, the players Player, and the ideal All-American Athlete; and

WHEREAS, George Brett has visited the Missouri Senate on numerous occasions as the guest of his close friend, our colleague, the current Senator from the 10th District, Senator Harry Wiggins, and has given generously of his time and his name to many civic and charitable causes of importance to Kansas City and the State of Missouri; and

WHEREAS, the weekend of July 24, 1999, in Cooperstown, New York, George Brett will receive the greatest honor any baseball player can ever receive when he is inducted as a member of the Baseball Hall of Fame; and

WHEREAS, it is appropriate for the Missouri General Assembly, the Governor and the State of Missouri to take note of this stupendous accomplishment, to honor George Brett in a special way as the first Royals Player to achieve this honor;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, the House of Representatives concurring therein, do hereby instruct the Missouri Highway Commission and the Department of Transportation to take action immediately to name a section of Interstate 70 from the Missouri-Kansas State Line on the west to Blue Ridge Cut Off at the George Brett Bridge on the east, the George Brett Super Highway to honor this remarkable athlete and gracious human being and to complete this renaming project not later than July 15, 1999.

Senator Wiggins requested unanimous consent that the Rules be suspended and **SCR 19** be taken up for adoption, which request was granted.

On motion of Senator Wiggins, **SCR 19** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Rohrbach	Schneider	Singleton--3
	Absent with leave--Senator Jacob--1	

Senator DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting

firm pursuant to the aforestated provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws.

Senator DePasco moved that **HCR 21**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 21** was taken up.

Senator DePasco moved that **SCS** for **HCR 21** be adopted, which motion prevailed.

SCS for **HCR 21** was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Singleton--2		
	Absent with leave--Senator Jacob--1		

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 19**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 19, Page 4, Section 19.020, by deleting said section in its entirety.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 19, Page 5, Section 19.022, Line 7, by inserting immediately after the word "service" the words "in Missouri".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 17**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 13** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Singleton--1			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 15, with **SCA 1**, introduced by Representative Franklin, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1999 and ending June 30, 2001.

Was taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HB 15**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 16, with **SCA 1**, introduced by Representative Franklin, entitled:

An Act to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 16, Page 14, Section 16.078, Lines 1-12, by deleting said section and inserting in lieu the following:

"Section 16.078. To the Office of Administration

For the Department of Corrections

For design, land acquisition, renovation, and construction of correctional facilities in or nearby the cities of Licking and Charleston, Missouri, provided that for the Licking construction site, none of these funds may be expended by the state for a general contractor or subcontractor who either directly or indirectly fails to contract with a recognized union local for which a pre-existing collective bargaining agreement exists.

Representing expenditures originally authorized under the provisions of House Bill Section 18.135, an Act of the 89th General Assembly, First Regular Session

From General Revenue Fund.....\$131,260,817

From Federal Funds.....\$ 9,400,324E

From Fourth State Building Fund.....\$ 2,111,694

Total\$142,862,835".

Senator Steelman moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend House Bill No. 16, Page 14, Section 16.078, Lines 1-12, by deleting said section and inserting in lieu the following:

"Section 16.078. To the Office of Administration

For the Department of Corrections

For design, land acquisition, renovation, and

construction of correctional facilities in or nearby the cities of Licking and Charleston, Missouri, provided that for the Licking construction site, none of these funds may be expended by the state for a general contractor or subcontractor who either directly or indirectly fails to contract with local laborers.

Representing expenditures originally authorized under the provisions of House Bill Section 18.135, an Act of the 89th General Assembly, First Regular Session

From General Revenue Fund.....\$131,260,817

From Federal Funds.....\$ 9,400,324E

From Fourth State Building Fund.....\$ 2,111,694

Total\$142,862,835".

Senator Kenney moved that the above substitute amendment be adopted.

At the request of Senator Kenney, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Steelman, **SA 1** was withdrawn.

On motion of Senator Goode, **HB 16**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 65, with **SCS**, introduced by Represen-tatives O'Toole and May (108), entitled:

An Act to repeal sections 86.251, 86.256, 86.260, 86.280, 86.283, 86.287 and 86.810, RSMo Supp. 1998, relating to certain police and firemen retirement benefits, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Scott.

SCS for **HB 65**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 65

An Act to repeal section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810 and 87.371, RSMo Supp. 1998, relating to certain police and firemen retirement benefits, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HB 65** be adopted.

Senator Scott offered **SS** for **SCS** for **HB 65**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 65

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160, 50.1170, 70.697, 86.254, 104.040, 104.344, 104.370, 104.380 and 104.610, RSMo 1994, sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140, 50.1180, 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810, 87.371, 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.612, 104.620, 169.010, 169.060, 169.070, 169.075, 169.560, 169.655, 287.815 and 476.520, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof eighty-seven new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

Senator Scott moved that **SS** for **SCS** for **HB 65** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 111, Section 104.620, Line 6 of said page, by inserting after all of said line the following:

"104.800. 1. Except as otherwise provided by law, any person having earned creditable service pursuant to the provisions of the state employees' retirement system or pursuant to the provisions of the state transportation department employees' and highway patrol retirement system or having service as a statewide state elective officer or having service as a member of the general assembly or having service pursuant to the provisions of sections 287.812 to 287.855, RSMo, or having service as a judge, as defined in section 476.515, RSMo, may elect prior to retirement and not after retirement, to make a one-time transfer of credit for such service or such creditable service to **or from** any other retirement system or type of service specified in this section or sections 56.800 to 56.840, RSMo, for which the person has accumulated service or creditable service. The amount of transferred credit shall be accumulated with the amount of such creditable service or such service earned by the person in the retirement system or type of service to which the service is transferred for purposes of determining the benefits to which the person is entitled under the retirement system or type of service to which the service is transferred. The transfer of such creditable service or service shall become effective on the first day of the second month following the month in which the person files written notification of the person's election with the retirement boards affected by such service transfer. When the election to transfer creditable service or service becomes effective, the person shall thereby forfeit any claim to any benefit under the provisions of the retirement system or type of service, as the case may be, from which the service or creditable service was transferred regardless of the amount of service or creditable service previously earned in such retirement system or type of service. The amount of service a person shall be entitled to transfer pursuant to the provisions of this section shall not exceed five years.

2. In the event of the death of a member before retirement and prior to exercising transfer rights pursuant to the provisions of this section, survivorship benefits shall be computed as if such person had in fact exercised or not exercised the person's transfer rights to produce the most advantageous benefit possible.

3. Any person that has earned creditable service pursuant to the provisions governing the Missouri state employees' retirement system or pursuant to the provisions of chapter 287, RSMo, or chapter 476, RSMo, who terminated employment prior to August 13, 1986, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall be eligible, prior to retirement, to make a one-time transfer of creditable service as provided in this section."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 76, Section 104.370, Line 12 of said page, by inserting after all of said line the following:

"104.378. Upon the death of a member who has not requested creditable prior service pursuant to subsection 4 of section 104.372, the survivor of such member who is or would be eligible to receive benefits pursuant to section 104.420 may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, such survivor may elect to have the member receive such creditable prior service. Upon making such election, all of the provisions of subsection 4 of section 104.372 shall apply. Any survivor benefits payable shall be calculated as if such creditable prior service had been received by such member on the date of the death of the member."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Childers offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 93, Section 104.420, Line 8 of said page, by inserting after all of said line the following:

"104.517. 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance. Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee. Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2) Life insurance benefits shall cease on the date of termination of employment and a conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance

which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual compensation, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself."; and

Further amend said bill, Page 149, Section 104.1072, Line 23, by inserting after the word and period "**insurance.**" the following: "**Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Pages 72-76, Section 104.370, by striking all of said section; and

Further amend said bill, Page 76, Section 104.370, Line 12 of said page, by inserting after all of said line the following:

"104.376. The provisions of section 104.370 to the contrary notwithstanding, effective August 28, 1999, any member of the general assembly initially sworn in on or after January 1, 1999, shall not be eligible to receive any retirement benefits otherwise payable under this chapter. The provisions of this section shall not apply to any service rendered prior to August 28, 1999."

Senator Steelman moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 1, Section 104.376, Line 7, by striking "shall not" and insert in lieu thereof the following "may choose not to".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Sims, Flotron, Rohrbach and Singleton.

SA 4, as amended, failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Kinder	Klarich	Rohrbach
Russell	Singleton	Steelman	Yeckel--8
NAYS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Mathewson	Maxwell
Mueller	Quick	Schneider	Scott
Sims	Staples	Stoll	Westfall
Wiggins--25			
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

Senator Maxwell assumed the Chair.

Senator Rohrbach offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 155, Section 104.1084, Line 17, by deleting the word "twenty-fourth" and inserting in lieu thereof the word "thirtieth".

Senator Rohrbach moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Steelman, Westfall, Kenney and Russell.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Kenney	Kinder	Klarich	Rohrbach
Sims	Singleton	Steelman	Westfall
Yeckel--13			
NAYS--Senators			
Banks	Bland	Caskey	DePasco
Goode	Graves	House	Howard
Johnson	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Staples	Stoll	Wiggins--19	

Absent--Senator Clay--1

Absent with leave--Senator Jacob--1

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Pages 19 and 20, Section 50.1090, Subsection 5, by deleting all of the subsection.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 65, Page 210, Section 287.815, Line 37, by inserting immediately before said line the following:

"190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

- (1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;
- (2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;
- (3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;
- (4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;
- (5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;
- (6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;
- (7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;
- (8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members' spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the

district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors; [and]

(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; **and**

(10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement, and other employee-type fringe benefits for the volunteer members of any organized ambulance district and such other benefits for their spouses and minor children, either through a contributory or noncontributory plan, or both. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

(1) Provide benefits to the public health that outweigh the associated costs;

(2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out."; and

Further amend said bill, page 213, Section 287.815, line 15, by inserting the following:

"320.320. 1. A volunteer firefighter serving a rural, volunteer or subscription fire department or organization is serving the state of Missouri in an official capacity as a fire protection volunteer and is hereby declared to be a public safety officer of the state of Missouri serving without [compensation] **wages, salary or certain other employee-type fringe benefits described in subsection 2 of this section.**

2. The designation of a volunteer firefighter as a public safety officer of the state of Missouri in subsection 1 of this section does not entitle a volunteer firefighter to any rights, privileges or benefits provided to an employee or official of the state of Missouri, including retirement benefits and participation in the state legal defense fund; **except as provided in subsection 3 of this section.**

3. Notwithstanding the provisions of subsection 2 of this section, any rural, volunteer or subscription fire department or organization, or volunteer fire protection association as defined in section 320.300, may provide life insurance, accident, sickness, health, disability, annuity, length of service, retirement, pension, and other employee-type fringe benefits for volunteer firefighters who are members of any such department, organization or association and such other benefits for their spouses and minor children as the governing board deems appropriate, either through a contributory or noncontributory plan, or both. The type and extent of such benefits shall be determined by the governing board of the department, organization or association, whichever is applicable. The provision and receipt of such benefits shall not make the recipient an employee of the district, association or organization. Directors or board members who are also volunteer firefighters may receive such benefits while serving as a director or board member of the district, association or organization.

321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;
- (5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and firefighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;
- (10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and minor children, through either or both a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement, and other employee-type fringe benefits for the volunteer members of any organized fire department of the district and such other benefits for their spouses and minor children, through either a contributory or noncontributory plan, or both. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, for the purpose of providing the benefits described in subdivision (17) of this section.

321.600. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;
- (5) Upon approval of the voters, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of sections 321.010 to 321.450;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;
- (10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;
- (11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;
- (12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any violation thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a class B misdemeanor, and upon conviction thereof shall be punished as is provided herein:
- (a) The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation; or
- (b) The board may adopt a specific ordinance to impose a fine or a series of fines for specific offenses of not more than five hundred dollars. The accused person may either appear in court at a set date or make payment to the officer appointed by the board, either in person or through the United States mail, with the moneys handled as are all other moneys of the district. If the fine is not paid by the deadline imposed, the violation and the failure to pay the fine or appear in court at the set date may be further prosecuted as provided in paragraph (a) of this subdivision. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

- (13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;
- (14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 321.010 to 321.450;
- (15) To provide for health, accident, disability, and pension benefits, through either or both a contributory or noncontributory plan, of the salaried members and such other benefits for their spouses and minor children of its organized fire department of the district. Such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;
- (16) To provide for life insurance, accident, sickness, health, disability, annuity, uniform, length of service, pension, retirement, and other employee-type fringe benefits, through either a contributory or noncontributory plan or both, for the volunteer members and such other benefits for their spouses and minor children of any organized fire department of the district. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;**
- (17) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, for the purpose of providing the benefits described in subdivision (16) of this section.";** and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Scott moved that **SS** for **SCS** for **HB 65**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HB 65**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
House	Howard	Johnson	Mathewson
Mueller	Quick	Schneider	Scott
Sims	Staples	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Maxwell	Rohrbach
Russell	Singleton	Steelman	Westfall--12
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Rohrbach	Singleton--2		
	Absent--Senator Howard--1		
	Absent with leave--Senator Jacob--1		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 794, regarding Gerry Boehm, St. Charles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 795, regarding Bryan Wolford, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 796, regarding the Family Benefit Life Insurance Company, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 797, regarding Dustin Wayne Knipp, Tipton, which was adopted.

Senator DePasco offered Senate Resolution No. 798, regarding Carol Jean Marcks, Independence, which was adopted.

Senator Schneider offered Senate Resolution No. 799, regarding Ian Russell McClymont, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 800, regarding David Andrew Trotter, Florissant, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 801

WHEREAS, upon occasion the Missouri Senate will pause in its legislative endeavors to recognize those Show-Me State residents whose contributions of time and effort have made a lasting impression upon the institutions of higher learning where they have diligently labored; and

WHEREAS, Richard W. Massa arrived on the Missouri Southern State College campus as an Associate Professor in 1972 after garnering impressive teaching credentials that include B.J. and M.A. degrees from the University of Missouri-Columbia (MU), post graduate studies at MU and the University of Arkansas-Fayetteville, and teaching experience from MU, Mississippi State University for Women, University of Science and Arts for Oklahoma, and Northeast Missouri State University (now Truman State University); and

WHEREAS, Head of the Communications Department since its founding in 1980, Richard Massa has served as Director of the Institute of International Studies since 1996; and

WHEREAS, Richard Massa has an extensive practical background in journalism that includes special assignments for The New York Times; work as a columnist, reporter, and reviewer for the Chickasha, Oklahoma, Daily Express; and correspondent for the Birmingham, Alabama, Daily News, Memphis, Tennessee, Courier-Journal, Oklahoma City, Oklahoma, Daily Oklahoman, and the Christian Science Monitor; and

WHEREAS, vice president and co-owner of Interpersonal Communication Consultants, Richard Massa taught a wide spectrum of communication, journalism, literature, and writing courses; provided a stellar college service record which includes advisement to The Chart, numerous leadership positions on committees and the Faculty Senate, and management of KXMS-FM and MSTV; authorship of many free-lance newspaper and magazine articles; co-authoring and co-editing texts; and producing many video works on such subjects as Franz Liszt; poetry, music, and song creation; and Missouri Southern College:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to congratulate Richard Massa for an exemplary communications career at Missouri Southern State College and to offer our sincerest wishes that the future will provide just as much fulfillment and satisfaction as have the nearly fifty years in journalism and college teaching; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for retiring Professor Richard W. Massa of Missouri Southern State College.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 338**, entitled:

An Act to repeal sections 143.141, 376.421, 376.424, 376.960, 376.961, 376.966, 376.986, 379.930, 379.938, 379.940, 379.943, 379.952 and 630.003, RSMo 1994, relating to mental health insurance, and to enact in lieu thereof twenty-five new sections relating to the same subject, with an effective date for certain sections.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 1, Section A, Lines 14-15, by deleting the following: "and section 376.811, RSMo Supp. 1998,"; and

Further amend said bill, page 88, section 376.771, line 21, by deleting the words: "such a policy" and inserting in lieu thereof the following: "**the policy forms for individual health insurance coverage with the largest, and next largest, premium volume of all such policy forms offered by the insurer in this state**"; and

Further amend said bill, page 96, section 376.772, lines 9-10, by deleting all of said lines and inserting in lieu thereof the following: "**376.771, if any, in accordance with provisions of this section. If the association fails to submit a**"; and

Further amend said bill, page 110, section 376.775, line 22, by deleting all of said line and inserting in lieu the following:

"b. An individual accident and sickness insurance policy that provides comprehensive medical expense coverage;".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 1, In the Title, Lines 4 and 5 of said page, by deleting the word and numbers ", 379.952 and 630.003" and inserting in lieu thereof the word and number "and 379.952"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "twenty-five" and inserting in

lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Lines 13 and 14 of said page, by deleting the word and numbers "379.943, 379.952 and 630.003" and inserting in lieu thereof the word and numbers "379.943 and 379.952"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "twenty" and inserting in lieu thereof the word "nineteen"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the number "630.003,"; and

Further amend said bill, Page 79, Section 630.003, Lines 15 to 24 of said page, by deleting all of said lines.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Page 87, Section 2, Line 12, by inserting immediately after said line the following:

"Section 3. 1. For all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to one hundred percent of the amount paid by such individual for health insurance premiums to the extent such amount is included in the individual's federal taxable income and to the extent such amount is not otherwise deductible from the individual's Missouri taxable income pursuant to Missouri law.

2. The deduction provided in this section shall be available to an individual whether such individual elects to itemize his or her deductions or elects to deduct the Missouri standard deduction. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of health insurance premiums.

3. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 338, Pages 80-83, Section 630.003, Line 1, by deleting all of said pages from said bill; and

Further amend page 84, lines 1-6, by deleting all of said lines from bill.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **SCS** for **HCS** for **HB 10**, as amended, are allowed to exceed the differences.

On motion of Senator DePasco, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

Senator Maxwell assumed the Chair.

PRIVILEGED MOTIONS

Senator Howard moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended, and request the House to take up and pass the bill and failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Quick moved that the Senate refuse to concur in **HCS** for **SS No. 2** for **SB 288**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Banks moved that the Senate refuse to concur in **SB 76**, with **HAs 1, 2, 3** and **4**, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate grant the House a further conference on **HS** for **HCS** for **SB 291**, as amended, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Johnson moved that **HCR 16**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 16** was taken up.

Senator Johnson moved that **SCS** for **HCR 16** be adopted, which motion prevailed.

SCS for **HCR 16** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Ehlmann	Quick	Staples--4
Absent with leave--Senators--None			

MESSAGES FROM THE HOUSE

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 548** and has again taken up and passed **SCS** for **HB 548**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 866** and has again taken up and passed **SCS** for **HB 866**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCR 11** and has again taken up and passed **SS** for **HCR 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**

for **HCS** for **HCR 3** and has again taken up and passed **SCS** for **HCS** for **HCR 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCR 28** and has again taken up and passed **SCS** for **HCR 28**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HCR 19** and has again taken up and passed **SCS** for **HCS** for **HCR 19**.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate conferees be allowed to exceed the differences on **SCS** for **HCS** for **HB 10**, as amended, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 291**, as amended: Senators Caskey, Quick, Mathewson, Sims and Bentley.

HOUSE BILLS ON THIRD READING

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of taking **HB 17** up for 3rd reading and final passage, which request was granted.

HB 17, introduced by Representative Franklin, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Goode.

On motion of Senator Goode, **HB 17** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman

Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of taking **HCS** for **HB 18**, with **SCS**, up for 3rd reading and final passage, which request was granted.

President Pro Tem Quick assumed the Chair.

HCS for **HB 18**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and for operating expenses of the Senate and the House of Representatives and to transfer money among certain funds.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 18

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 18** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 18, Section 18.225, Line 3, by deleting the words "Organizational Maintenance Shop" and inserting in lieu thereof the word "Armory".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 5, Section 18.100, Line 5, by adding after said line one new section to read as follows:

"Section 18.101. To the Office of Administration

For Public Television Stations Statewide pursuant to Sections 37.205 to 37.250 RSMo.

For cost of Federal Compliance of transition to

digital television

From General Revenue Fund.....\$800,000".

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HCS** for **HB 18**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 18**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Howard	Jacob	Schneider	Staples--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of taking **HB 19**, with **SCAs 1** and **2**, up for 3rd reading and final passage, which request was granted.

HB 19, with **SCAs 1** and **2**, introduced by Representative Franklin, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HB 19**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator DePasco announced that photographers from the Columbia Daily Tribune had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 2

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Scott B. Lakin
/s/ Ken Legan
/s/ Jewell Patek

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Graves--1		
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Graves--1		
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Scott B. Lakin
/s/ Ken Legan
/s/ Gary Burton

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Scott Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 4

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Timothy P. Green
/s/ Ken Legan
/s/ Chuck Gross

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Howard--1

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Staples--2

Absent with leave--Senators--None

Schneider

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 5

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
- 3. That the attached Conference Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Sam Leake
/s/ Joe Maxwell	/s/ Timothy Green
/s/ John T. Russell	/s/ Ken Legan
/s/ Morris Westfall	/s/ Charlie Shields

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Singleton	Staples--2		
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Singleton Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 6

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ May Scheve
/s/ Marilyn Williams
/s/ Ken Legan
/s/ James E. Graham

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 7

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ May Scheve
/s/ Marilyn Williams
/s/ Ken Legan
/s/ Emmy McClelland

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 8

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.

3. That the attached Conference Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Sam Leake
/s/ Scott B. Lakin
/s/ Ken Legan
/s/ Larry Crawford

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 9

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Charles Q. Troupe
/s/ Glenda Kelly
/s/ Pat Kelley
/s/ Ken Legan

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Sims

Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 348**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 348

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 348, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 348;
2. That the House recede from its position on House Committee Substitute for House Bill No. 348;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Harold Caskey
/s/ John E. Scott
/s/ Jim Mathewson
/s/ Betty Sims
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Phil Smith
/s/ Randall Relford
/s/ D. J. Davis
Charlie Ballard
Matt Bartle

Senator Johnson assumed the Chair.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, **CCS** for **SCS** for **HCS** for **HB 348**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 348

An Act to amend chapter 211, RSMo, by adding thereto one new section relating to the registration of juvenile sex offenders, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bentley Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Banks moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, and request the House to recede from its position and failing to do so, grant the House a conference thereon, which motion prevailed.

Senator Maxwell moved that the Senate refuse to concur in **HS** for **SB 310**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Howard moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 31** and **285**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SS** for **SCS** for **SB 467**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Rohrbach--1

Absent--Senators

Clay DePasco Staples--3

Absent with leave--Senators--None

HA 2 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Ehlmann	Schneider	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Caskey, **SS** for **SCS** for **SB 467**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Rohrbach	Singleton--2		
	Absent--Senators		
Clay	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SCS** for **SB 405**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 405**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 405

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 405**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Graves	Klarich--2		
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senators--None			

On motion of Senator Scott, **HCS** for **SCS** for **SB 405**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Graves--1			
Absent--Senators			
Rohrbach	Schneider	Staples--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson assumed the Chair.

Senator Johnson moved that **SB 33**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 33**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 33

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation on college textbook sales, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 33**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider	Scott	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Johnson, **HCS** for **SB 33**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Schneider	Staples--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 115**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was again taken up.

Senator Russell moved that the above amendment be adopted.

At the request of Senator Russell, the motion to adopt **HCA 1** was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 415** and has again taken up and passed **HB 415**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 789** and has taken up and passed **CCS** for **SCS** for **HB 789**.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

CONCURRENT RESOLUTIONS

Senator Clay moved that **SCR 1**, with **HA 1**, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Quick
Schneider	Scott	Steelman	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Bentley	Graves	Howard	Kenney
Mueller	Rohrbach	Sims	Singleton
Westfall--9			
Absent--Senators			
Flotron	Russell	Staples--3	
Absent with leave--Senators--None			

Senator Clay moved that **SCR 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Jacob	Johnson	Mathewson
Maxwell	Quick	Schneider	Scott
Steelman	Stoll	Wiggins	Yeckel--20
NAYS--Senators			
Bentley	Graves	Howard	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall--12
Absent--Senators			
Flotron	Staples--2		
Absent with leave--Senators--None			

Senator Caskey moved that **SCR 5**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCR 5** was taken up.

Senator Caskey moved that **HCS** for **SCR 5** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Schneider	Scott
Sims	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Bentley	Childers	Graves	Kenney
Rohrbach	Russell	Singleton	Steelman
Westfall--9			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

HCS for **SCR 5** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kinder	Mathewson
Maxwell	Mueller	Quick	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators			
Graves	Kenney	Klarich	Rohrbach
Russell	Westfall--6		
Absent--Senator Staples--1			
Absent with leave--Senators--None			

REFERRALS

President Pro Tem Quick referred **HCR 37** to the Committee on Rules, Joint Rules and Resolutions.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 13**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

PRIVILEGED MOTIONS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 789**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 789

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 789, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Bill No. 789;
2. That the House recede from its position on Senate Committee Substitute for House Bill No. 789;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Jim Mathewson
/s/ Stephen M. Stoll
/s/ J. T. Howard
/s/ Doyle Childers
/s/ Franc Flotron

FOR THE HOUSE:

/s/ Gracia Backer
/s/ Judy Berkstresser
/s/ Linda Bartelsmeyer
/s/ Marilyn Williams
/s/ Rita D. Days

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Steelman
Yeckel--33

Stoll

Westfall

Wiggins

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Childers, **CCS** for **SCS** for **HB 789**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 789

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks
Childers
Flotron
Howard
Kinder
Mueller
Schneider
Steelman
Yeckel--33

Bentley
Clay
Goode
Jacob
Klarich
Quick
Scott
Stoll

Bland
DePasco
Graves
Johnson
Mathewson
Rohrbach
Sims
Westfall

Caskey
Ehlmann
House
Kenney
Maxwell
Russell
Singleton
Wiggins

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**, as amended with House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Bill No. 10, Page 39, Section 10.705, Line 3 of said page, by inserting after the word "infertility" a comma ","; and

Further amend said section, Page 41, Line 11 of said page, by striking out the comma "," and inserting in lieu thereof a semicolon ";"; and

Further amend said section, Page 42, Line 2 of said page, by striking out the word "inferility" and inserting in lieu thereof the word "infertility".

REPORTS OF STANDING COMMITTEES

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HBs 192** and **945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HB 389**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HCS** for **HB 599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 430** and **648**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 802, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Charles Walton, Cedar City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Derotha Skaggs and Mary Findlay, Poplar Bluff.

Senator Banks introduced to the Senate, the Physician of the Day, Susan Colbert Threats, M.D., St. Louis.

Senator Westfall introduced to the Senate, forty fifth and sixth grade students from Bronaugh School; and Daniel Bley, Suzanne Green, Will Daniels and Jessica Langford were made honorary pages.

Senator Bland introduced to the Senate, State Representative Terry Riley, Kansas City.

Senator Flotron introduced to the Senate, one hundred fourth grade students from Rose Acres Elementary School, St. Louis.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 6, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY--THURSDAY, MAY 6, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: We call upon You this day that You might grant us the wisdom to see Your purpose in the many things to be accomplished by this Senate. Open our eyes to see and ears to hear that we might together find our path and walk in Your light in what at times seems like darkness. And grant that we might be witnesses to Your guiding brilliance in what is said and done here. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 20** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson

Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Clay	Jacob	Schneider--4
	Absent with leave--Senator Staples--1		

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HB 822**, with **SCS**; and **HCS** for **HB 676**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**: Representatives Franklin, Green, Leake, Legan and Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has re-appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 291**, as amended: Representatives Dougherty, Monaco, Campbell, Hanaway and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 15** and has again taken up and passed **HB 15**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 16** and has again taken up and passed **HB 16**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 18**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House concurs in **SCA 2** to **HB 19**, but refuses to concur in **SCA 1** to **HB 19** and ask the Senate to recede from its position on **SCA 1** or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended: Representatives Ladd Stokan, Treadway, Backer, Ross and Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3** and **HA 4** to **SB 76** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 76**, as amended: Representatives Shelton, Gambaro, Carter, Gross and Bennett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS No. 2** for **SB 288**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SB 288**, as amended: Representatives McLuckie, Smith, Campbell, Hanaway and Gibbons.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 310**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 310**, as amended: Representatives Leake, Williams (159), Wiggins, Hegeman and Klindt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended: Representatives Harlan, Treadway, Schilling, Shields and Froelker.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 18**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SCA 1** to **HB 19** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 310**, as amended: Senators Maxwell, Johnson, Staples, Westfall and Steelman.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended: Senators Howard, Mathewson, Scott, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended: Senators Banks, Wiggins, Jacob, Sims and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SB 76**, with **HAs 1, 2, 3** and **4**: Senators Banks, Clay, Maxwell, Graves and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 18**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HB 19**, with **SCA 1**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 10

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode

/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Dick Franklin

/s/ Paula J. Carter

/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

/s/ Mike Schilling
/s/ Charlie Shields
/s/ Jewell Patek

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Clay	Flotron	Jacob	Schneider--4
	Absent with leave--Senator Staples--1		

Senator Johnson assumed the Chair.

Senator Goode offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Bill No. 10, Page 39, Section 10.705, Line 3 of said page, by inserting after the word "infertility" a comma ","; and

Further amend said section, Page 41, Line 11 of said page, by striking out the comma "," and inserting in lieu thereof a semicolon ";"; and

Further amend said section, Page 42, Line 2 of said page, by striking out the word "inferility" and inserting in lieu thereof the word "infertility".

Senator Goode moved that the above perfecting amendment be adopted, which motion prevailed.

On motion of Senator Goode, **CCS** for **HB 10**, as amended by **SPA 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
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Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Clay	Jacob	Quick	Schneider--4
	Absent with leave--Senator Staples--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 11

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Charles Q. Troupe
/s/ Glenda Kelly
/s/ Pat Kelley
/s/ Ken Legan

Senator Wiggins assumed the Chair.

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey

Childers	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Clay	DePasco	Quick	Singleton--4
	Absent with leave--Senator Staples--1		

On motion of Senator Goode, **CCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Clay	DePasco	Quick	Singleton--4
	Absent with leave--Senator Staples--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HB 343**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 343**, as amended, was again taken up.

Senator Johnson offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 100, Section 329.190, Line 6, by striking the words "fifty dollars" and inserting in lieu thereof the following: "**eighty percent of the federal per diem established by the Internal Revenue Service for Jefferson City, Missouri**"; and further amend line 7, by striking the following: "within the state,".

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senators Schneider and Maxwell offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 46, Section 324.228, Lines 1-6, by striking all of said lines and inserting in lieu thereof the following:

"324.228. Any rule or portion of a rule, as that term is defined in section 536.010,"; and

Further amend said bill, Pages 49-50, Section 324.245, Lines 24-29, by striking all of said lines and inserting in lieu thereof the following:

"3. Any rule or portion of a rule, as that term is defined in section 536.010," ; and

Further amend said bill, Page 68, Section 324.522, Lines 15-17, by striking all of said lines and inserting in lieu thereof the following:

"3. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.520 to 324.524 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 74, Section 327.041, Lines 18-20, by striking all of said lines and inserting in lieu thereof the following: "the provisions of this chapter. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 118, Section 334.850, Line 25, by inserting at the end of said line the following: "**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority**

delegated in sections 334.800 to 334.930 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 127, Section 335.036, Line 27, by inserting an opening bracket "[" immediately before the word "promulgated"; and

Further amend said bill, Page 128, Section 335.036, Line 28, by inserting a closing bracket "]" immediately after the word and period "RSMo."; and

Further amend said bill, Page 128, Section 335.036, Lines 43-45, by striking all of said lines and inserting in lieu thereof the following:

"5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 139, Section 336.130, Line 38, by inserting after all of said line the following:

"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 140, Section 337.050, Lines 65-66, by striking all of said lines and inserting in lieu thereof the following: "337.090. [No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo.] The committee may promulgate, by rule, "Ethical Rules of"; and

Further amend said bill, Page 150, Section 339.120, Lines 45-47, by striking all of said lines and inserting in lieu thereof the following:

"4. [No rule or portion of a rule promulgated under the authority of sections 339.010 to 339.180 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections

339.010 to 339.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 163, Section 620.010, Lines 283-285, by striking all of said lines and inserting in lieu thereof the following:

"[20. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 148, Section 338.060, Line 43, by inserting after all of said line the following:

"338.065. 1. After August 28, 1990, at such time as the final trial proceedings are concluded whereby a licensee or registrant has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of the state of Missouri, the laws of any other state, territory or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a licensee or registrant pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board of pharmacy may hold a disciplinary hearing to singly or in combination censure or place the [pharmacist] **licensee or registrant** named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, registration or permit.

2. Anyone who has been revoked or denied a license, permit or certificate to practice in another state may automatically be denied a license or permit to practice in this state. However, the board of pharmacy may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable file in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, [numbering, dating and filing them in the order in which they are compounded or dispensed] **according to and in compliance with standards provided by the board**, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained

over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives.

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo." and

Further amend said bill, page 150, section 339.120, line 47, by inserting after all of said line the following:

"338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate or maintain any pharmacy, as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital outpatient pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Home health care;
- (5) Class E: Radiopharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile Product Compounding;**
- (9) Class I: Consultant Services.**

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly."; and further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 68, Section 324.524, Line 11, by inserting immediately after said line the following:

"3. The provisions of sections 324.560 through 324.605 shall not apply to manufactured homes or modular homes as defined in Section 700.010."

Senator Kenny moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 1, In the Title, Line 21, by deleting the word "forty-nine" and inserting in lieu thereof the word "fifty"; and

Further amend said bill, Page 2, In the Title, Lines 1 and 2 of said page, by deleting the following: "and an expiration date for certain sections" and inserting in lieu thereof the following: ", an expiration date for certain sections and an emergency clause for a certain sections"; and

Further amend said bill, Page 163, Section 2, Line 7, by inserting after all of said line the following:

"Section B. One new sections is enacted, to be known as section 3, to read as follows:

Section 3. Notwithstanding any other provision of law to the contrary, a temporary license may be issued for no more than a twelve-month period by the appropriate licensing board to any otherwise qualified health care professional licensed in another state and who meets such other requirements as the licensing board may prescribe by rule and regulation, if the health care professional:

(1) Is acting pursuant to federal military orders under Title X for active duty personnel or Title XXII for military reservists; and

(2) Is enrolled in an accredited training program for trauma treatment and disaster response in a hospital in this state.

Section C. Because immediate action is necessary to provide temporary licensing for out-of-state health care professionals who are to be enrolled in a disaster training program pursuant to federal orders, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 107, Section 332.316, Line 26, by inserting after all of said line the following:

"332.321. 1. The board may refuse to issue any certificate of registration or authority, permit or license, or refuse to renew any such certificate of registration or authority, permit or license, required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section **or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided**

in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his **or her** certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution [under] **pursuant to** the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated [under] **pursuant to** this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which [he] **the person** is entitled;

(e) Abrogating the copayment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the holder of a license and an insurance company, health service corporation or health maintenance organization licensed [under] **pursuant to** the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

- (9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice [under] **pursuant to** this chapter;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or by any rule promulgated hereunder;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:
- (a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;
 - (b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;
 - (c) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;
 - (d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee which can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;
 - (e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that [he] **the person** is a specialist in that area;
 - (f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of";
 - (g) Any announcement containing any terms denoting or implying specialty areas which are not recognized by the American Dental Association;
- (15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;
- (16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;
- (17) Failing to maintain his **or her** office or offices, laboratory, equipment and instruments in a safe and sanitary condition;
- (18) Accepting or tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation

organized [under] **pursuant to** the provisions of chapter 356, RSMo, from distributing profits in accordance with his **or her** stated agreement;

(19) Administering, causing or permitting to be administered, nitrous oxide gas in any amount to himself **or herself**; or to another unless this administration is done as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him **or her**, unless the failure was due to circumstances beyond his **or her** control. A dentist, specialist or hygienist whose right to practice has been affected [under] **pursuant to** this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he **or she** can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding [under] **pursuant to** this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings [under] **pursuant to** this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his **or her** application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his **or her** license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his **or her** license to practice as a dentist, specialist or hygienist; requiring him **or her** to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; **or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327.** For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third party payor who shall have paid in whole or in part a claim or payment which they should be reimbursed for where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one which was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. Notwithstanding any other provisions of section 332.071 or of this section, a duly registered and currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices in violation of this section or violate any other provision of this chapter.

5. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of [his] **the attorney general's** assistants designated by [him] **the attorney general** or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

6. If at any time when any disciplinary sanctions have been imposed [under] **pursuant to** this section or [under] **pursuant to** any provision of this chapter, the licensee removes himself **or herself** from the state of Missouri, ceases to be currently licensed [under] **pursuant to** the provisions of this chapter, or fails to keep the Missouri dental board advised of his **or her** current place of business and residence, the time of his **or her** absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

332.327. 1. The board may establish an impaired dentist or dental hygienist committee, to be designated as the well-being committee, to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The board may promulgate administrative rules subject to the provisions of this section and chapter 536, RSMo, to effectuate and implement any committee formed pursuant to this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed pursuant to this section. Any member of the well-being committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee, or by any individual member of the committee.

2. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the well-being committee, as well as communications to or from the committee, any findings, conclusions, interventions, treatment, rehabilitation or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential.

3. All records and proceedings of the well-being committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records pursuant to chapter 610, RSMo, and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal or administrative proceedings except as provided in subsection 4 of this section.

4. The well-being committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board; or

(4) The information is subject to a court order."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Committee Substitute for House Committee Substitute for House bill No. 343, Page 133, Section 335.061, Line 1, by inserting after the number "335.061." the number "**1.**"; and

Further amend said bill, Page 133, Line 5, by deleting the words "[an inactive]" and inserting in lieu thereof the words "an inactive"; and

Further amend said bill, Page 133, Line 6, by deleting the words "**a lapsed**"; and

Further amend said bill, Page 133, Line 9, by inserting after all of said line the following:

"2. Any licensee who allows his or her license to lapse by failing to renew the license as provided in sections 335.011 to 335.096 shall be reinstated as provided by this chapter and by rule and regulation. The board may by rule and regulation provide for a lapsed license status. In the event the board shall refuse to renew the license pursuant to one of the provisions of this section and related requirements for relicensure, the individual may appeal to the administrative hearing commission pursuant to the provisions of sections 621.120, RSMo."

Senator Kinder offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by inserting after all of said line the following:

"Section 3. 1. The president or secretary of the board of nursing may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The board may enforce its subpoenas, including subpoena duces tecum, by applying to a circuit court of Cole County, the county of the investigation, hearing or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which such order and a copy of the application therefore shall be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **HCS** for **HB 343**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close on the bill.

At the request of Senator Caskey, **SCS** for **HCS** for **HB 343**, as amended, was placed on the Informal Calendar.

Senator Jacob announced that photographers from the Senate, KOMU-TV and the Associated Press had been given

permission to take pictures in the Senate Chamber today.

HCS for HB 888, with **SCS**, entitled:

An Act to repeal sections 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof six new sections relating to rural agricultural businesses, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for HCS for HB 888, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 888

An Act to repeal sections 348.020 and 348.060, RSMo 1994, and sections 348.406, 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof twelve new sections relating to rural agricultural businesses, with an emergency clause and an expiration date for certain sections.

Was taken up.

Senator Mathewson moved that **SCS for HCS for HB 888** be adopted.

Senator Mathewson offered **SS for SCS for HCS for HB 888**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 888

An Act to repeal sections 348.020 and 348.060, RSMo 1994, and sections 348.406, 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof thirteen new sections relating to rural agricultural businesses, with an emergency clause and an expiration date for certain sections.

Senator Mathewson moved that **SS for SCS for HCS for HB 888** be adopted.

At the request of Senator Mathewson, **HCS for HB 888**, with **SCS** and **SS for SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Jacob, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

HOUSE BILLS ON THIRD READING

HCS for HB 676, with **SCS**, was placed on the Informal Calendar.

HS for **HB 516**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Russell, **HCS** for **HB 139**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Caskey, **HB 401**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 490** and **HCS** for **HB 308**, with **SCS**, were placed on the Informal Calendar.

HB 542, with **SCS**, was placed on the Informal Calendar.

HB 191, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 701**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 60**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 316, 660 and 203**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mathewson, **HB 541** was placed on the Informal Calendar.

At the request of Senator Stoll, **HCS** for **HB 780**, with **SCS**, was placed on the Informal Calendar.

Senator Mathewson moved that **HCS** for **HB 888**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 888** was again taken up.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 4 and 6, by striking the word "authority" on said lines and inserting in lieu thereof the word "**department**"; and

Further amend said bill, page and section, lines 8-11, by striking all of said lines and inserting in lieu thereof the following:

"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Bland offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 10, Section 1, Line 25 of said page, by inserting immediately after said line the following: "**Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.**".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 13, Section 6, Line 26, by striking the words "seed capital investment board" and inserting in lieu thereof the following: "**agricultural and small business development authority**"; and

Further amend said page and section, line 28, by striking the word "board" and inserting in lieu thereof the word "**authority**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.407, Line 26 of said page, by striking ", equity investments"; and further amend said section, page 4, lines 2 to 5 of said page, by striking all of said lines and inserting in lieu thereof the following: "community."; and further amend said section, page 4 of said page, lines 23 and 24, by striking the following ", equity investments"; and

Further amend said bill and section, page 5, line 3 of said page, by striking the words "investment or"; and

Further amend said bill, page 10, Section 1, line 12 of said page, by striking ", equity investments"; and further amend line 16 of said page, by striking ", equity investments"; and further amend line 18 of said page, by striking "investment or".

Senator Rohrbach moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 4, Section 348.407, Line 5, by adding: "and only after competitive bidding".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Clay assumed the Chair.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "fifty".

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "fifty-five".

Senator Rohrbach moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Clay assumed the Chair.

Senator Graves offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "**seventy-five**".

Senator Graves moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SCS** for **HCS** for **HB 888**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **HCS** for **HB 888**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bentley	Flotron	Rohrbach--3
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Absent--Senators

Goode	Quick	Scott	Singleton--4
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Absent with leave--Senator Staples--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Jacob

Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Russell	Schneider
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Flotron	Klarich	Rohrbach	Sims--4
	Absent--Senators		
Howard	Quick	Scott	Singleton--4
	Absent with leave--Senator Staples--1		

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Stoll moved that **HJR 5**, with **SCA 1** and **SSA 1** for **SCA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SCA 1** was again taken up.

Senator Kenney offered **SA 1** to **SSA 1** for **SCA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1 to House Joint Resolution No. 5, Page 1, Section 26(b), Line 3, by deleting the words ", primary" on said line.

Senator Kenney moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 2** to **SSA 1** for **SCA 1**, as amended, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1 to House Joint Resolution No. 5, Page 1, Section 26(b), Line 2, by deleting the words "general municipal election" and further on line 3, by deleting the word "day" and the word "or".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Stoll, **HJR 5**, with **SCA 1**, **SSA 1** for **SCA 1**, as amended, and **SA 2** to **SSA 1** for **SCA 1**, as amended, was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 31** and **285**, as amended, and grants the Senate a conference thereon, and the conferees are allowed to exceed the differences in section 130.046 as to the filing dates of quarterly reports.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **HB 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 21** and has again taken up and passed **SCS** for **HCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 16** and has again taken up and passed **SCS** for **HCR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 18**, as amended: Representatives Franklin, Lakin, Ford, Legan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 19**, as amended: Representatives Franklin, Schilling, Leake, Holand and Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 31** and **285**, as amended: Representatives Seigfreid, Days, Backer, Long and Hendrickson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 295** and **46**, entitled:

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendments Nos. 2, 3, 8 and 9.

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, In the Title, Line 2 after "537.705" by adding "537.740"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 9, by adding after "537.705" the following: ",537.740"; and

Further amend said bill, Page 1, Line 10, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 12, by adding after "537.705," the following "537.740,"; and

Further amend said bill, Page 14, by inserting the following after Line 10:

"537.740 1. If contributions to the fund do not produce sufficient funds to pay any claims which may be due, the board shall assess and each member, including any member who has withdrawn but was a member in the year in which the assessment is required, shall pay such additional amounts which are each member's proportionate share of total claims allowed and due. **The board may abate or defer any part of the additional assessment of a member, if, in the opinion of the board, payment of the additional assessment would impair the ability of the member to fulfill its contractual obligations.** The provisions of this subsection shall apply retroactively to the creation of the Missouri public entity risk management fund.

2. The board, in order to carry out the purposes for which the fund is established, may select and employ, or contract with, persons experienced in insurance underwriting, accounting, the servicing of claims, and rate making, who shall serve at the board's pleasure, as technical advisors in establishing the annual contribution, or may call upon the director of the department of insurance for such services."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 14, Section 537.705, Line 10, by adding after "agents." Such compensation shall not be additional to the contribution to the fund.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 15, Section 537.705, Line 4, by deleting the word "The"; and

Further amend said bill, Page 15, Section 537.705, Line 5, by deleting all of said line and inserting in lieu thereof "January 1, 2000".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, In the Title, Line 5 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting "537.756 and 1" and inserting in lieu thereof the following: "537.756, 1 and 2"; and

Further amend said bill, Page 15, Section 1, Line 5 of said page, by inserting after all of said line the following:

"Section 2. Upon request of the plaintiff in a negligence action against the department of transportation as

defendant, the case shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for HB 12, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 12

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
- 3. That the attached Conference Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Timothy Green
/s/ Scott B. Lakin
/s/ Ken Legan
/s/ Chuck Gross

Senator Goode moved that the above conference committee report be adopted.

Senator Mathewson assumed the Chair.

Senator Clay offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on HB 12 and request the House grant the Senate a further conference, which motion failed on a standing division vote.

Senator Goode moved that the conference committee report on SCS for HCS for HB 12 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			

Banks	Bland	Caskey	Clay--4
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Banks	Bland	Caskey	Clay--4
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 13

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 13.
- 3. That the attached Conference Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Timothy Green
/s/ Sam Leake
/s/ Ken Legan
/s/ Chuck Gross

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Banks--1			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related service, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Banks--1

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 295** and **46**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 295 and 46

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, be adopted.

At the request of Senator Schneider, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HJR 5**, with **SCA 1**, **SSA 1** for **SCA 1**, as amended, and **SA 2** to **SSA 1** for **SCA 1**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Wilson assumed the Chair.

SA 2 to **SSA 1** for **SCA 1**, as amended, was taken up.

Senator Stoll requested a roll call vote be taken on the adoption of the above amendment. He was joined in his request by Senators Klarich, Childers, Rohrbach and Westfall.

SA 2 to **SSA 1** for **SCA 1**, as amended, failed of adoption by the following vote:

YEAS--Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Singleton
Steelman	Westfall-- 14		

NAYS--Senators

Bentley	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Maxwell	Scott
Sims	Staples	Stoll	Wiggins
Yeckel-- 17			

Absent--Senators

Banks	Mathewson	Quick--3
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Absent with leave--Senators--None

SSA 1 for SCA 1, as amended, was again taken up.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 5, Page 2, Section 26(b), Line 9, by inserting after all of said line, the following: **"For the purpose of school district elections conducted pursuant to this section, the general assembly shall establish no more than one municipal election day in any one calendar year."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Joint Resolution No. 5, Page 1, In the Title, Line 3, by striking the following: "school district bond elections" and inserting in lieu thereof the following: "education"; and

Further amend said bill, page 1, Preamble, lines 4-5, by striking all of said line and inserting in lieu thereof the following: "for adoption or rejection, the following amendments to be presented to the voters as separate questions to article VI and article IX of the Constitution of the state of Missouri:

Further amend said bill, page 2, Section 26(b), line 9, by inserting after all of said line the following:

"Section B. Section 2(a), article IX, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be submitted to the voters as a separate question, to be known as section 2(a), to read as follows:

Section 2(a). The supervision of instruction in the public schools shall be vested in a state board of education, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided, that at no time shall more than four members be of the same political party. The term of office of each member shall be [eight] **four** years[, except the terms of the first appointees shall be from one to eight years, respectively]. While attending to the duties of their office, members shall be entitled to receive only actual expenses incurred, and a per diem fixed by law. **Members in office on the effective date of this section shall serve the remainder of the term to which they were appointed.**"; and further amend the title accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 2** is out of order as the amendment goes beyond the scope and purpose of the joint resolution.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 336**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 336** was taken up.

Senator Caskey moved that **SS No. 2** for **SB 336** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS No. 2** for **SB 336** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Quick referred **SCS** for **HCS** for **HB 343**, as amended, to the Committee on State Budget Control.

CONFERENCE COMMITTEE APPOINTMENTS

The President Pro Tem appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 31** and **285**, as amended: Senators Howard, Maxwell, Caskey, Flotron and Rohrbach.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James D. Johnson and Rita B. Hanks, as members of the Northwest Missouri State University Board of Regents;

Also,

Kay Lynne Myers, as a member of the Children's Trust Fund Board;

Also,

Theodore A. Pruess, as a member of the Seismic Safety Commission;

Also,

Susan C. J. Rollins, as a member of the Missouri Housing Development Commission;

Also,

Robert W. Cary and William B. Siebenborn, as members of the State Milk Board;

Also,

Reginald L. Bassa, as a member of the Missouri Veterans' Commission;

Also,

Joanne M. Collins, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Derotha G. Skaggs, Charles "Gil" Gopley and Daniel L. Vornberg, as members of the Advisory Committee on Lead Poisoning;

Also,

Suzanne B. Hoffman, as a member of the Missouri Commission on Human Rights;

Also,

Lynne R. Nikolaisen and Robert C. Smith, as members of the Missouri Gaming Commission;

Also,

Frank E. Wiles, as a member of the State Banking Board;

Also,

Thomas I. Watkins, as a member of the Board of Geologist Registration;

Also,

Mary K. Findley, as a member of the Coordinating Board for Higher Education;

Also,

Gene R. Brown, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Mary L. Richter, as a member of the Missouri Head Injury Advisory Council;

Also,

Richard "Dick" Hanson, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Richard "Dick" Hanson, as a member of the Missouri State Public Employees Deferred Compensation Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 803, regarding Theodora M. Savetz, Manchester, which was adopted.

Senators Clay and Banks offered Senate Resolution No. 804, regarding Reverend Jesse L. Jackson, Sr., which was adopted.

Senator Graves offered Senate Resolution No. 805, regarding the One Hundred Fourth Birthday of Rhoda Newman, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 806, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James D. Alexander, Linneus, which was adopted.

Senator Graves offered Senate Resolution No. 807, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Keller, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 808, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold Ellwood, Turney, which was adopted.

Senator Graves offered Senate Resolution No. 809, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn Coleman, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 810, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack L. Buntin, Stanberry, which was adopted.

Senator Maxwell offered Senate Resolution No. 811, regarding Dustin Kyle Daum, Centralia, which was adopted.

Senator Maxwell offered Senate Resolution No. 812, regarding the Special Supplemental Nutrition Program for Women, Infants, and Children, which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 240, 226, and 229 entitled:

AN ACT

To repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On May 6, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 240, 226, and 229.

Respectfully submitted,

MEL CARNAHAN

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 275 entitled:

AN ACT

To repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

On May 6, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 275.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Steve Halpin, M.D. and his son, Jared, Hannibal.

Senator Caskey introduced to the Senate, Carol Bohl and sixteen eighth grade students from Harrisonville Christian School, Harrisonville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 7, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY--FRIDAY, MAY 7, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: We thank You for Your great Love of us in allowing us a taste of heaven here on earth within the love of family and friends You have provided us. So we seek to finish up what must be done today and leave it here until we return so that we may truly enjoy the gift of Love You have given to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Singleton--1

The Lieutenant Governor was present.

REMONSTRANCES

Senator Kenney offered the following remonstrance, which was referred to the Committee on Rules, Joint Rules and Resolutions:

REMONSTRANCE NO. 2

WHEREAS, the Division of Environmental Health and Epidemiology within the Department of Health has submitted a proposed rule to the Secretary of State that regulates the construction of on-site sewage treatment and disposal systems; and

WHEREAS, the proposed rule 19 CSR 20-3.060 would regulate only residential property; and

WHEREAS, the previous rule 19 CSR 20-3.060 was promulgated in 1995 and regulated both residential and commercial property; and

WHEREAS, the General Assembly enacted SB 446 in 1994 to establish in state law a framework for the regulation of on-site sewage treatment facilities; and

WHEREAS, the General Assembly clearly directed that the Department shall develop a state standard for the construction of on-site sewage disposal systems pursuant to 701.040.1(1) RSMo; and

WHEREAS, the General Assembly clearly directed that the Department shall promulgate rules to enforce the provisions of sections 701.025 to 701.059, pursuant to 701.040.1(1); and

WHEREAS, included in those sections that the Department shall enforce is section 701.025, which defines sewage as "human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment appurtenances"; and

WHEREAS, businesses and commercial properties produce exactly such waste; and

WHEREAS, also included in those sections that the Department shall enforce is section 701.027, which states that the provisions of sections 701.025 to 701.059 shall apply to sewage treatment facilities with a maximum daily flow of three thousand gallons or less, and does not restrict the application based on the purposes of the property whether commercial or residential; and

WHEREAS, the first sentence of section 701.031 unequivocally states "Property owners of all buildings where people live, work or assemble shall provide for the sanitary disposal of all domestic sewage"; and

WHEREAS, the Department clearly has the power, and the required duty to enforce and regulate on-site sewage treatment facilities on both residential and commercial property that fall within the gallon flow limitations;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrate against the Division of Environmental Health and Epidemiology within the Department of Health for its poor judgement, lack of planning and ignorance of or indifference to the direct wishes of the General Assembly as expressed in a duly passed statute that serves as the law the Department is required to enforce; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Director of the Division of Environmental Health and Epidemiology within the Department of Health, and the Director of the Department of Health and that the Division of Environmental Health and Epidemiology within the Department of Health, and the Department of Health be apprised of the Senate's displeasure with the Department's bad faith and endangerment of the public health in repealing the required regulations over the construction of on-site sewage treatment facilities on commercial property.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 813

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Jacqueline L. Marvin, of Kansas City; and

WHEREAS, Jackie Marvin was a native of Kansas City where she was born on November 9, 1966; and

WHEREAS, Jackie Marvin attended Calvary Lutheran School and graduated from Calvary Lutheran High School; and

WHEREAS, Ms. Marvin also attended Penn Valley Community College and the University of Missouri/Kansas City and continued throughout her life her love of music;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of Jacqueline L. Marvin, and extend to her mother, Mrs. Patricia L. Marvin, her family and many friends, most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for her mother, Patricia L. Marvin; her brothers, Clinton L. Marvin, Dr. Ronald L. Marvin; her sister, Tamara Saladino; her grandmother, Mildred Swisher; her grandfather, Charles Clark; her uncle, Raymond Chase; and her aunts, Florence Breen, Carolyn Theiss and Mildred Bickford.

Senator Yeckel offered Senate Resolution No. 814, regarding Carole R. Gateley, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 815, regarding Jean B. Skarda, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 816, regarding Carole Ann Suter, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 817, regarding Susan W. Burney, Town and Country, which was adopted.

Senator Yeckel offered Senate Resolution No. 818, regarding Curtis Larry Amen, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 308** and **314**, entitled:

An Act to repeal sections 104.040, 104.344, 104.380, and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.612, 104.620, 287.815 and 476.520, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof forty-five new sections relating to the same subject.

With House Amendments Nos. 1, 2, 4 and 7.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 and 314, Page 100, Section 104.1084, Lines 2 and 3, by deleting the following: "**who was first elected on or after January 1, 1993,**" and inserting in lieu thereof the following: "**or eligible beneficiary**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 and 314, Page 1, In the Title, Line 4 of said page, by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 17 of said page by inserting after the number "104.420," the number "104.517,"; and

Further amend said bill, Page 34, Section 104.420, line 24 of said page, by inserting after all of said line the following:

"104.517. 1. The board shall provide or contract, or both, for life insurance benefits for employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to 287.855, RSMo, and for employees who are members of the judicial retirement system as provided in section 476.590, RSMo, and at the election of the state highways and transportation commission shall include employees who are members of the state transportation department employees' and highway patrol retirement system as follows:

(1) Employees are entitled to fifteen thousand dollars of life insurance. **Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and**

in the course of actual performance of duty as an employee. Coverage shall be effective on the first day of the month coinciding with or next following the employee's date of membership;

(2) Life insurance benefits shall cease on the date of termination of employment and a conversion of such life insurance benefits shall be available. However, a member eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall be entitled to convert any amount of terminated life insurance benefit in excess of the benefit provided in said section.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased on or after January 1, 1998, is that amount which equals six times the amount of the person's annual compensation, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The selection of a private insurance company to provide this life insurance shall be on the basis of competitive bidding.

(2) Any person defined in subdivision (1) of this subsection retiring on or after September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance following the date of his or her retirement if such person makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may retain an amount not to exceed sixty thousand dollars of life insurance following the date of the person's retirement if such person makes written application for such life insurance at the same time such person applies to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's monthly retirement benefits.

(3) Effective January 1, 1998, in addition to the life insurance authorized in subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both the person's children and the person's spouse at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide such insurance itself."; and

Further amend said bill, Page 93, Section 104.1072, Line 23 of said page, by inserting after the period "." after the word "**insurance**" the following: "**Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee.**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 and 314, Page 1, In the Title, Line 8 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "forty-five" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting after the number "104.344," the number "104.378,"; and

Further amend said bill, Page 17, Section 104.344, Line 11 of said page, by inserting after all of said line the following:

"104.378. Upon the death of a member who has not requested creditable prior service pursuant to subsection 4

of section 104.372, the survivor of such member who is or would be eligible to receive benefits pursuant to section 104.420 may apply to the board of trustees and shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the surviving spouse's life, and upon request of the board shall give opinions, and be available to give opinions in writing, or orally, in response to such requests. As compensation for such services, such survivor may elect to have the member receive such creditable prior service. Upon making such election, all of the provisions of subsection 4 of section 104.372 shall apply. Any survivor benefits payable shall be calculated as if such creditable prior service had been received by such member on the date of the death of the member."

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 and 314, Page 102, Section 104.1084, Line 1 of said page, by adding after all of said line the following:

"9. A member of the general assembly who has purchased creditable service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of the benefit attributable to the purchased service."

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HB 852**, with **SCS**; **HCS** for **HB 889**; and **SCS** for **HCS** for **HB 343**, as amended, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 219**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 219

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 219, with House Amendments Nos. 1, 4, 5, as amended, 6, 7, 8, 9 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 219, as amended;
2. That the Senate recede from its position on Senate Bill No. 219; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 219, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ John E. Scott
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Joan Bray
/s/ Tim VanZandt
/s/ Marsha Campbell

/s/ David Klarich
/s/ Morris Westfall

/s/ W. Todd Akin
/s/ David J. Hegeman

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Jacob	Schneider--3	
	Absent with leave--Senator Singleton--1		

Senator Johnson assumed the Chair.

On motion of Senator Caskey, **CCS** for **HCS** for **SB 219**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219

An Act to repeal sections 137.100, 137.130, 137.720, 137.750, 138.430 and 138.431, RSMo 1994, relating to ad valorem taxation, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Banks	Jacob	Schneider	Scott--4
	Absent with leave--Senator Singleton--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Keith Arnold Wenzel, as Director of the Department of Insurance, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SBs 31 and 285**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 31 and 285

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 31 and 285; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Jerry T. Howard
/s/ Harold Caskey
/s/ Joe Maxwell
/s/ Franc Flotron
/s/ Larry Rohrbach

FOR THE HOUSE:

/s/ Jim Seigfreid
/s/ Rita Days
/s/ Gracia Backer
/s/ Beth Long
/s/ Carl Hendrickson

Senator Staples assumed the Chair.

Senator Howard moved that the above conference committee report be adopted, which motion prevailed by the

following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Goode	Kinder--2		
	Absent--Senators		
Quick	Schneider	Scott--3	
	Absent with leave--Senator Singleton--1		

Senator Mathewson assumed the Chair.

On motion of Senator Howard, **CCS** for **HCS** for **SCS** for **SBs 31** and **285**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 31 and 285

An Act to repeal sections 105.473, 105.955, 105.963, 130.031, 130.036, 130.046, 130.050, 130.056, 130.057 and 130.110, RSMo Supp. 1998, and both versions of section 130.041, as they appear in RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Goode--1		
	Absent--Senators		
Quick	Schneider	Scott--3	
	Absent with leave--Senator Singleton--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Sims	Staples
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Kinder Steelman--2

Absent--Senators

Banks Schneider Scott--3

Absent with leave--Senator Singleton--1

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Howard moved that the Senate conferees be allowed to exceed the differences on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended, which motion prevailed.

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 310**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 310

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 310, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 310, as amended;
2. That the Senate recede from its position on Senate Bill No. 310; and
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 310, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Joe Maxwell
/s/ Sidney Johnson
/s/ Danny Staples
/s/ Sarah H. Steelman
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Sam Leake
/s/ Marilyn Williams
/s/ Gary Wiggins
/s/ David Klindt
/s/ Daniel J. Hegeman

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the

following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks Howard--2

Absent with leave--Senator Singleton--1

On motion of Senator Maxwell, **CCS** for **HS** for **SB 310**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 310

An Act to repeal sections 142.029 and 267.610, RSMo 1994, and sections 261.105 and 276.401, RSMo Supp. 1998, and section 267.610, as it appeared in RSMo 1986, relating to the department of agriculture, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Howard Quick--2

Absent with leave--Senator Singleton--1

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Staples moved that **HB 468**, with **SCS**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 468** was again taken up.

Senator Staples moved that **SCS** for **HB 468** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 468, Page 5, Section 226.930, Line 1, by striking "two-year pilot program" and inserting in lieu thereof the following: "**study to determine whether project labor agreements are feasible**"; and further amend lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "**department of transportation.**"; and

Further amend said bill and section, page 6, line 16, by striking "establish and implement" and insert in lieu thereof the following: "**conduct a study regarding the establishment and implementation of**"; and further amend line 18, by inserting immediately after "4." the following: "**During the course of the study,**"; and further amend line 32, by inserting immediately after "5." the following: "**The study shall assume that**"; and further amend line 38, by inserting immediately after "union." the following: "**The study shall assume that**"; and further amend lines 48-49, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and further amend line 50, by striking "As a pilot program to" and inserting in lieu thereof the following: "**The study shall**"; and further amend line 51, by striking "projects run through"; and further amend said line, by striking ", the department shall conduct" and inserting in lieu thereof the following: "**on**"; and

Further amend said bill and section, page 7, line 56, by striking "All projects"; and further amend lines 57-60, by striking all of said lines and inserting in lieu thereof the following:

"**7. The study shall assume compliance**"; and further amend line 62, by inserting immediately after "9." the following: "**The study shall assume that**"; and further amend line 69, by striking all of said line and inserting in lieu thereof the following: "**contractor and labor organizations**"; and further amend line 73, by inserting immediately after "10." the following: "**The study shall assume that**"; and further amend line 79, by inserting immediately after "of a" the following: "**study conducted on the feasibility of a**"; and further amend line 83, by inserting immediately after "agreement" the following: "**study**".

Senator Kenny moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 468, Pages 5-7, Section 226.930, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Flotron raised the point of order that **SCS** for **HB 468** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill, with **SCS, SA 1** and **SSA 1** for **SA 1** (pending), on the Informal Calendar.

Senator House moved that **HCS** for **HB 162** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 162, Page 8, Section 288.040, Line 164, by inserting after all of said line the following:

"288.041. Individuals whose services are not defined as employment pursuant to subsection 8 of section 288.034 or whose services are excluded from the term "employment" in subdivision (1) or (2) of subsection 9 of section 288.034 shall be provided a written notice by the employing unit that wages earned by the individual for services performed for this employing unit will not be used to determine insured worker status for unemployment benefits. Such notice shall be provided to each individual:

(1) At the time of initial employment, for all initial employments occurring on or after August 28, 1999;

(2) Upon the change in status of the employing unit's liability pursuant to this chapter;

(3) For all individuals employed by such employing unit as of August 28, 1999, within thirty days of August 28, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HS** for **HB 162**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Singleton--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HS for **HB 450**, with **SCS**, introduced by Representative Relford, et al, entitled:

An Act to repeal section 644.509, RSMo Supp. 1998, relating to authorization of additional state bonds, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Maxwell.

SCS for **HS** for **HB 450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 450

An Act to repeal sections 249.645, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040, 644.031 and 644.509, RSMo Supp. 1998, and to enact in lieu thereof nineteen new sections relating to water and sewer services, with an emergency clause for certain sections.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HB 450** be adopted.

At the request of Senator Maxwell, **HS** for **HB 450**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **HS** for **HCS** for **HB 618**, with **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

At the request of Senator Maxwell, **SS** for **SCS** for **HS** for **HCS** for **HB 618** was withdrawn.

Senator Maxwell offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 618**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 618

An Act to repeal section 198.070, RSMo 1994, relating to the health care needs of the elderly, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Maxwell moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 618** be adopted.

Senator Mueller offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 15, Section 7, Line 5, by inserting immediately after said line the following:

"Section 8. The provisions of sections 197.300 to 197.366, RSMo, shall not apply to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri general assembly, is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 618**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HB 779, with **SCS**, introduced by Representative Skaggs, et al, entitled:

An Act to repeal section 71.270, RSMo 1994, relating to vacation of certain streets and easements, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Quick.

SCS for **HB 779**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 779

An Act to repeal section 71.270, RSMo 1994, relating to vacation of certain streets and easements, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **HB 779** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 779, Page 1, Section In the Title, Lines 2-3, by striking the words "vacation of certain streets and easements" and inserting in lieu thereof the words "boundaries of property"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town[,] or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town[,] or village [as provided in] **pursuant to** this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary

annexations [under] **pursuant to** this section merely because such voluntary annexation would create an island of unincorporated area [with] **within** the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town[,] or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village **or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.**

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, **or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed** is presented to the governing body of the city, town[,] or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in [newspapers of general circulation qualified to publish legal matters] **a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village.**

For the purposes of this subdivision, the term "common interest community" shall mean a condominium as said term is used in chapter 448, RSMo, or a common interest community, a cooperative, or a planned community.

(a) A "common interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town[,] or village determines that the annexation is reasonable and necessary to the proper development of the city, town[,] or village, and the city, town[,] or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town[,] or village not later than fourteen days after the public hearing by at least two percent of the qualified voters of the city, town[,] or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town[,] or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's[,] or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town[,] or village shall cause three certified copies of the same to be filed with the clerk of the county wherein the city, town[,] or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed,

whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town[,] or village as so extended.

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of and, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a "plan of intent" to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the "plan of intent" and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, refuse collection, etc.;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, **and either before or after the election held in subdivision (6) of this subsection**, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, [then before proceeding as otherwise authorized by law or charter for annexation of unincorporated areas,] **the governing body of the city, town or village shall** file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, RSMo, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

- (a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;
- (b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and
- (c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070, RSMo.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the "plan of intent" within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend

the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the "plan of intent" within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area."; and

Further amend said bill, Page 2, Section 71.270, Line 29, by inserting after all of said line the following:

"72.400. As used in sections 72.400 to [72.418] **72.422 and section 1 of this act**, the following terms mean:

(1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving [two] **all or part of one or more** residential parcels [in common ownership or portions of a single residential parcel] in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way;

(2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;

(3) "Commission", a boundary commission established pursuant to this section;

(4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation **or territory proposed for addition to an established unincorporated area in which at least fifteen percent of its boundary is adjacent to the established unincorporated area;**

(5) "Established unincorporated area", an area in the unincorporated area of the county which has been approved by the voters pursuant to section 72.422 to remain unincorporated and not subject to any boundary change except as otherwise provided;

[(5)] (6) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the county which by ordinance has adopted a boundary change proposal, **or the chief elected official of the county who has authorized the filing of an unincorporated area proposal**, or a person presenting petitions **for incorporation** signed by a number of registered voters equal to not less than fifteen

percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

[(6) "Simplified boundary change", an annexation initiated by a verified petition signed by seventy-five percent of the residential property owners of all fee interests of record of the area proposed for annexation and filed by the annexing municipality and which the commission determines and finds should be approved without voter approval;]

(7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election.

72.401. 1. If a commission has been established pursuant to section 72.400 **in any county with a charter form of government where fifty or more cities, towns and villages have been established**, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to [72.420] **72.422 and section 1 of this act**, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after [June 2, 1995] **the effective date of this act**, except [for the following:

(1) As provided in subsection 3 of this section; or

(2)] where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to [72.420] **72.422 and section 1 of this act**, then [annexation, incorporation and consolidation] **boundary changes** in such county shall proceed only as provided in sections 72.400 to [72.420] **72.422 and section 1 of this act**. [The procedures established in section 72.420 shall remain applicable to counties of the first classification where fifty or more cities, towns and villages have been established. The provisions of sections 72.400 to 72.420 shall expire on December 31, 2002, unless the general assembly reauthorizes such provisions prior to December 31, 2002.

3. Notwithstanding any provisions of law to the contrary, any boundary changes approved by voters, simplified boundary changes approved by one hundred percent of the property owners and the governing body of the annexing city, and exchanges of land agreed to by the governing bodies of the jurisdictions involved in the exchange, which have been approved or agreed to prior to June 2, 1995, and which have not yet taken effect at the time of the first meeting of the boundary commission shall not be subject to commission approval.

4. Any proposal for incorporation by petition of at least six thousand registered voters which has been submitted to the governing body of the county under section 72.080 by June 30, 1995, shall not be subject to commission approval, and such boundary changes shall become effective on the date determined by the jurisdictions involved or by court order. Notice of such boundary changes shall be provided to the commission.

5.] **3. The commission, if any, which exists on the effective date of this act is abolished.** The commission shall be composed of eleven members as provided in this subsection. No member [or], employee **or contractor** of the commission shall be an elective official, employee or contractor **of the county or** of any political subdivision **within the county** or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to [(5)] **(3)** of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than

twenty thousand persons, who shall name [the number of] **two** members to the commission as prescribed in this subsection **each of whom is a resident of a municipality within the county of more than twenty thousand persons;**

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name [the number of members] **one member** to the commission as prescribed in this subsection **who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;**

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name [the number of members] **one member** to the commission as prescribed in this subsection **who is a resident of a municipality within the county with a population of ten thousand persons or less;**

(4) [Each member of the county council of the three county council districts with the largest number of residents residing within the unincorporated area of the county, who shall each be allowed to nominate one member of the commission in the manner prescribed in this subdivision. Each such county council member shall submit a list of two residents of the unincorporated area of such member's district to the county executive, and the county executive shall select one person from each list so submitted to be a member of the commission. If a list is not submitted to the county executive by the times prescribed in subsection 6 of this section, the county executive shall name a person to be a member of the commission] **An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and**

(5) The county executive of the county, who shall name [two of the] **four** members of the commission, **three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county.**

The seat of a commissioner shall be automatically vacated when the commissioner [ceases to be a resident member of the appointing group. The vacancy shall be filled according to subsection 7 of this section. Each appointing authority described in subdivisions (1) to (3) of this subsection shall appoint a member for every sixteen and two-thirds percent, rounded up or down to the nearest sixteen and two-thirds percent, of the population of the county which resides in the municipalities described in such subdivisions. In the event that rounding would result in more than six members from the three municipal appointing authorities, then rounding up shall not apply to the appointing authority farthest from the next higher sixteen and two-thirds percent. Percentages and populations shall be calculated according to the last federal decennial census. They shall be calculated as of June 30, 1995] **changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.**

[6.] **4.** Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to [(3)] **(4)** of subsection [5] **3** of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members [representing the unincorporated areas of the county] within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection [5] **3** of this section before the sixtieth day from the passage of the ordinance. [On the sixty-first day from the passage of such ordinance, the commission shall begin to exercise the powers and duties assigned to it by sections 72.400 to 72.418.] At the first meeting of the commission **appointed after the effective date of the ordinance**, the commissioners shall choose by lot the length of their terms. Three shall serve for

one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

[7.] **6.** When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. [The appointee shall be determined by the appointing authority from whose list the outgoing member was appointed.] Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

[8.] **7.** The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

[9.] **8.** Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review. **Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.**

72.402. The commission shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 72.400 to [72.420] **72.422 and section 1 of this act** no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any boundary change **or unincorporated area proposal** pending before the commission.

72.403. 1. The commission shall review all proposed boundary changes of any area wholly or partially within the county. [Such review] **After the effective date of this act, no boundary change or unincorporated area proposal shall be submitted to or considered by the commission until April 15, 2001, except for consolidations. Any boundary change or unincorporated area proposal pending before the commission on the effective date of this act shall be suspended on the effective date of this act and shall be further considered after April 15, 2001, only if such proposal is reflected in a map plan submitted to the commission pursuant to section 1 of this act. Review** shall begin no later than thirty days after the plan of intent for the boundary change has been submitted to the commission by the proposing agent or thirty days after [the commission is established] **April 15, 2001**, for [those] boundary changes **or unincorporated area proposals** which are pending on the **effective** date [on which the commission is established] **of this act**. The plan of intent shall address the criteria set forth in subsection 3 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the commission which has not yet been [voted on by] **approved by the commission as a simplified annexation or approved for submission to** the qualified voters of the voting jurisdictions. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the commission shall occur unless the annexation or incorporation proposal has been disapproved by the commission or defeated by voters. If more than one proposed change is received from the same proposing agency, the review of each additional proposed change shall begin not later than thirty days after the date that review was commenced for the next preceding proposed change or thirty days after receipt of the proposed changes were received by the commission; except that, if more than one proposed change is received by the commission from the same proposing agency on the same date, the commission may establish the order of review.

2. When a boundary change proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in

the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the proposing agent. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, **the county, the proposing agent and affected municipalities shall be parties, and** any **other** interested person, corporation, or political subdivision may **also** present evidence regarding the proposed boundary change. A boundary change proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400 to [72.420] **72.422 and section 1 of this act.**

3. In reviewing any proposed boundary change, the commission shall approve such proposal if it finds that the boundary change will be in the best interest of the municipality or municipalities and unincorporated territories affected by the proposal and the areas of the county next to such proposed boundary. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

- (a) The area subject to the proposed boundary change and its residents;
- (b) The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;
- (c) Adjoining areas not involved in the boundary change and the residents thereof; and
- (d) The entire geographic area of the county and its residents;

(2) A legal description of the area to be annexed, incorporated, consolidated, [disincorporated,] or subject to the transfer of jurisdiction;

(3) The [ability to accommodate the orderly incorporation] **creation of logical and reasonable municipal boundaries** in the county, [including its] **and for such purpose the commission shall have the** ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make [substantive] **substantial** changes to any proposed boundary petition;

(4) The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the county, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to, police protection, fire protection, water and sewer systems, street maintenance, utility agreements, parks, recreation, and refuse collections;

(5) A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three years from the date the municipal boundary change is to become effective;

(6) The current tax rates of the areas subject to the proposal;

(7) What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality;

(8) The extraordinary effect the boundary change will have on the distribution of tax resources in the county;

(9) How the municipality or proposed municipality proposes to zone any area not presently incorporated;

(10) The compactness of the area subject to such proposal;

(11) When the proposed boundary change shall become effective.

4. The provisions of section 71.910, RSMo, shall not apply to a proposing agent proceeding before the commission.

5. Nothing in sections 72.400 to [72.420] **72.422 and section 1 of this act** shall be construed to prevent the boundary commission or its staff from advising proposing agents on issues related to proposals. The commission may meet informally, subject to the requirements of chapter 610, RSMo, with the representatives of municipalities, other government entities or county residents with regard to future boundary changes.

72.405. 1. For any proposed boundary change submitted after August 28, 1995, the commission shall issue a finding approving or disapproving such proposals within nine months after such submittal, **except that final action may be deferred on part or all of a boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section.** If the commission finds in favor of a proposed boundary change, it shall submit the question to the voters residing within the areas subject to the proposed boundary change, except as provided in subsection 6 of this section.

2. If a boundary change is proposed by a municipality or the county and if the commission finds against the proposed boundary change submitted by a municipality or the county, it shall disapprove the boundary change proposal. In disapproving any boundary change proposal, the commission shall issue a document indicating the reasons such proposal was disapproved. No election shall be held on any such proposal not approved by the commission.

3. If the boundary change is **an incorporation** proposed pursuant to a petition, the commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the commission may consolidate two or more unincorporated areas into one proposed boundary change. Any changes made by the commission shall meet the criteria established in section 72.403.

4. Where a proposal submitted by a municipality, the county or by a petition, contains more than two voting jurisdictions, the commission may provide for approval of a boundary change comprising only those municipalities **and unincorporated area** where a majority of voters approve the boundary change [and unincorporated area] if the resulting municipality would meet the criteria established in section 72.403.

5. If a boundary change is proposed by a municipality or the county and the commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality or county, then the commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.

6. A simplified boundary change may be proposed by:

(1) A verified petition signed by seventy-five percent of the registered voters within the area proposed to be annexed **which is predominately residential in character and has an average residential density of not less than one dwelling per three acres** which is filed by the annexing municipality; or

(2) [A proposal] **Two municipalities** for a transfer of jurisdiction between [municipalities or] **them or a municipality and the county for a transfer of jurisdiction** between a municipality and the county. Within twenty-one days of receipt of a proposal under this subsection, the commission shall publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such proposal, mail written notification of such proposal and the date of the public hearing thereon to the county clerk, and to the city or village clerk of each municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by such proposal. The commission shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after such publication and notification is complete. At the public hearing any interested person, corporation or

political subdivision may present evidence regarding the proposed boundary change. Within four months of receipt of the proposal, the commission shall determine whether to disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary change to be adopted or rejected by the voters pursuant to section 72.407 [or 72.410], or to approve the proposal as a simplified boundary change, for which no vote shall be required, **except that final action may be deferred on part or all of a simplified boundary change proposal when necessary to accommodate an overlapping boundary change or unincorporated area proposal as more particularly provided in subsection 10 of this section.** In making its determination, the commission shall consider the factors set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be approved as a simplified boundary change, such proposal shall become effective upon the date set forth in the commission's written report of approval.

7. A municipality which wishes to propose a boundary change containing two or more unincorporated areas that are noncontiguous to each other shall submit separate proposals for the unincorporated areas that are noncontiguous to each other, in which case there shall be a separate vote for each proposal approved by the commission. The municipality may:

(1) Adopt and submit separate ordinances for each such separate proposal; or

(2) Adopt and submit one ordinance containing said separate proposals, which ordinance shall clearly state that the municipality is making multiple, separate proposals, and is desirous of separate votes for each separate proposal. The ordinance shall also clearly identify each separate proposal that the municipality is making.

8. The commission shall not approve any boundary change proposal in which more than fifty percent of the combined land subject to the proposal is unincorporated territory or territories unless the area subject to the proposal has a population of more than ten thousand persons.

9. A proposing agent may modify its proposal and submit additional information during the review period.

10. The commission may defer final action on part or all of a boundary change proposal or proposal for an established unincorporated area beyond the periods provided for their consideration in order to allow an election with respect to an overlapping boundary change or unincorporated area proposal in order to maximize the ability of voters to determine their own status. Such deferral may be ordered only when the proposal granted such priority is filed with the commission no later than sixty days after the proposal on which action will be deferred and only when the commission determines that the population of the overlapping area is a greater proportion of the proposal given priority than of the proposal on which action is deferred. The commission shall take final action on the deferred proposal within forty-five days of the election at which the proposal granted priority is decided. The proposing agent may modify the proposal in accordance with the results of the election.

72.407. 1. Boundary changes may be adopted by the voters in the following manner:

(1) If the commission approves a proposed boundary change containing more than one municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality are in favor of the boundary change, except as provided in subsection 4 of section 72.405;

(2) If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a separate majority of votes cast in each voting jurisdiction comprising unincorporated areas of the county are in favor of the boundary change, except as provided in subsection 4 of section 72.405. If a voting jurisdiction comprising unincorporated areas of the county has no residents or if no votes are cast for or against the boundary change, such boundary change shall become effective if a majority of the votes cast in all other voting jurisdictions and municipalities are in favor of the boundary change. [On or after January 1, 1996,] If the commission approves a proposed boundary change containing one or more municipalities and at least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be adopted if a separate majority of the votes cast on the question in each municipality and a majority of votes cast in the whole municipality which would result from

the boundary change are in favor of the boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision, the term "unincorporated pocket" means an unincorporated territory with an average residential density in excess of one dwelling per three acres, [and] which has a population of no more than [two thousand] five hundred [and], which is accessible by public or private roadway only from incorporated jurisdictions and/or another county, **and which the commission has determined presents practical difficulties for service by the county by reason of its isolation.**

2. Any election held pursuant to sections 72.400 to [72.420] **72.422 and section 1 of this act** shall be held on a date established by the commission in accordance with the provisions of chapter 115, RSMo. If the proposing agent is a petitioner or the governing body of the county, all costs of the election shall be paid by the county. If the proposing agent is the governing body of any municipality, the cost of such election in each municipality shall be paid by each municipality and if the proposal contains any unincorporated territory the cost of the election in the unincorporated territory shall be paid by the county.

3. Questions concerning the annexation of an area covered by sections 72.400 to [72.418] **72.422 and section 1 of this act** and the incorporation of the same area shall not be put to the voters at the same election. Any such election where the questions of annexation and incorporation have been put to the voters shall be void in the area covered by both propositions. This subsection shall not affect the results of that election in areas where both questions were not put to the voters at the same time. When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.

72.408. 1. If a boundary change is disapproved by the voters, no boundary change which contains more than sixty percent of the area of the disapproved boundary change shall be submitted to or processed by the commission any sooner than two years after the date of the disapproved boundary change.

2. Every petition shall be presented to the commission within two hundred eighty days following the date on which the first signature was affixed to the petition, or any part thereof, **except that the period of time from the effective date of this act to April 15, 2001, shall be excluded.** Failure to present a petition within the foregoing time period shall render the petition absolutely void.

72.409. 1. If a proposed boundary change is approved by the voters, such proposal shall be effective six months following the date of the election or the date specified in such proposal, whichever date is later. Immediately following the certification of the election, the commission shall establish a committee to determine the details of the transition. The governing body of each affected municipality shall select two members and the governing body of the county in which each unincorporated territory is situated shall select two members from the affected unincorporated territory to meet with similar members appointed from other affected municipalities and the unincorporated territory. The committee shall disband no later than the date the boundary change becomes effective. The governing body of the county may delay declaring a newly incorporated municipality for a period not to exceed six months at the request of the boundary commission to provide for an orderly transition from unincorporated to incorporated status.

2. If a conflict shall exist between the provisions of sections 72.400 to [72.420] **72.422 and section 1 of this act** and the orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to [72.420] **72.422 and section 1 of this act**, the provisions of sections [72.405 to 72.409] **72.400 to 72.422** shall prevail.

3. If a boundary change involves an annexation, failure of the proposing agent to provide services to the area being annexed or to zone in compliance with the "Plan of Intent" required of the proposing agent within three years of the boundary change becoming effective, unless compliance is made unreasonable, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident who was residing in the area at the time the boundary change became effective.

[72.410. If a boundary change is proposed by petition of seventy-five percent of the residential property owners of all fee interests of record in all tracts of real property located within the area proposed, then any election ordered pursuant to subdivision (2) of subsection 6 of section 72.405 shall be conducted in the petitioning area and the receiving municipality.]

72.412. 1. The commission, once established, shall not be a county commission but shall act as an independent commission. The commission may hire such staff and acquire such facilities as it finds necessary to carry out its duties.

2. The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to [72.418] **72.422 and section 1 of this act**. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees.

3. The commission shall [report annually upon proposals for legislation dealing with joint service arrangements, contracting for services, revenue sharing, and other issues affecting local government in the county. The commission shall make such report available to the municipalities in the county, to the county government, and to all other interested persons] **provide by rule for an application fee for municipal annexations in the amount of one dollar per resident of the proposed annexation area to defray the commission's cost of processing and reviewing proposals.**

72.416. **The county, an interested municipality, or any other interested party may bring an appropriate civil action against the commission regarding a proposed boundary change, unincorporated area proposal, or other commission action or failure to act.** In any civil action brought against the commission regarding a proposed boundary change, if the commission prevails in the action, the court may require the party who initiated the action to pay to the commission the reasonable costs incurred by the commission in opposing such action, including attorney's fees.

72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.418 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

[4. Notwithstanding the provisions of section 72.401 to the contrary, this section shall not expire on December 31, 2002.]

72.422. 1. Notwithstanding any other provision of sections 72.400 to 72.420, residents of an unincorporated area of a county may remain unincorporated and not subject to any boundary change as provided by sections 72.400 to 72.420 if the following are satisfied:

(1) [A person presents to] **The county petitions** the boundary commission [a petition signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the unincorporated area];

(2) A legal description of the unincorporated area accompanies the petition. If there is a minor error or discrepancy in the legal description of the unincorporated area, the commission, with the concurrence of the [proponents of the petition] **county**, may make such changes to the proposal as are necessary to rectify the error in the legal description;

(3) The unincorporated area **either** contains a population of not less than two thousand five hundred[; and

(4) Within thirty days of the filing of the petition, the commission shall make a determination whether the area described in the petition can be reasonably served.

2. Not later than thirty days after the receipt of the items set forth in subdivisions (1) to (4) of subsection 1 of this section, the commission upon finding that the proposal satisfies the criteria of subdivisions (1) to (4) of subsection 1 of this section shall submit the proposal to the voters within the described unincorporated area for voter approval or disapproval.] **or is contiguous with an existing established unincorporated area;**

(4) A plan of intent accompanies the petition addressing the issues to be considered by the commission.

2. When an unincorporated area proposal has been submitted to the commission, the commission shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the date of the public hearing thereon in at least one newspaper of general circulation qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also mail written notification of such proposal and public hearing date to the county clerk, and to the city or village clerk of each neighboring municipality or village, and to any other political subdivision which, in the opinion of the commission, is materially affected by the proposal. The costs of publication and notification shall be borne by the county. The commission shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty days after such publication and notification are complete. At such public hearing, the county and any municipality with an overlapping map plan shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the unincorporated area proposal. An unincorporated area proposal which has been disapproved by the commission and which is resubmitted with changes to the commission shall be subject to the public hearing requirement of this section, unless the commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of this section. The commission shall issue findings approving or disapproving such proposal within nine months after submittal, except that final action may be deferred on part or all of an unincorporated proposal when necessary to accommodate an overlapping boundary change proposal as more particularly provided in subsection 10 of section 72.405. The proposal shall be submitted at the next general or special election in accordance with the provisions of chapter 115, RSMo. The cost of the election shall be paid by the county. If the proposal is approved by the voters then the area shall be an established unincorporated area and shall remain unincorporated territory for a period of five years from the date of the vote and shall not be subject to any boundary change provided for in sections 72.400 to 72.420.

3. [A petition submitted pursuant to this section and in accordance with the provisions of chapter 115, RSMo, shall take precedence over any other boundary change proposal which includes any territory within the unincorporated area described in the petition submitted pursuant to this section. No boundary change proposal which includes any territory within an unincorporated area described in a petition submitted pursuant to this section shall be approved or submitted to the voters until the unincorporated proposal is voted upon] **In reviewing any proposed unincorporated area proposal, the commission shall approve such proposal if it finds that continued provision of local services to the area by the county will not impose an unreasonable burden on county government and that such designation is in the best interest of the unincorporated territories affected by the proposal and the areas of the county next to**

such area. In making its determination, the commission shall consider the following factors:

(1) The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:

(a) The area subject to the proposed established unincorporated area and its residents;

(b) Adjoining areas not involved in the proposed established area and the residents thereof; and

(c) The entire geographic area of the county and its residents;

(2) A legal description of the unincorporated area;

(3) The creation of logical and reasonable municipal boundaries in the county, and for such purpose the commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any proposed unincorporated area proposal;

(4) Whether approval of the unincorporated area proposal will result in unreasonable difficulty in provision of services by the county;

(5) The effect approval of the established unincorporated area will have on the distribution of tax resources in the county;

(6) The compactness of the area subject to such proposal.

4. [If the commission fails to comply with the provisions of this section, the proponents of the petition may file a mandamus action or other appropriate action to compel compliance with the ministerial duties set out in this section] **After approval by the voters of an unincorporated area proposal, no boundary change affecting any part of such area shall be proposed to the commission until expiration of the area's status as an established unincorporated area, but map plans affecting the area may be filed during the planning period pursuant to section 1 of this act. If no map plan of a boundary change proposal with respect to an established unincorporated area has been submitted during the most recent planning period pursuant to section 1 of this act, the commission shall commence review of the circumstances of such established unincorporated area six months prior to its expiration, and shall submit reauthorization of such unincorporated area to the voters if the commission determines that its circumstances have not materially changed since it was approved.**

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than [forty] **fifty** thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

- (1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;
- (2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;
- (3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;
- (4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and
- (5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district. Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

Section 1. 1. In any county in which a boundary commission has been established pursuant to section 72.400, RSMo, all boundary changes and unincorporated area proposals shall be subject to the five-year planning cycle mandated in this section. No municipality nor other person shall file, nor shall the commission accept or review, any boundary change or unincorporated area proposal which has not previously been submitted to the commission for map plan review and comment as provided in this section, except that consolidations of municipalities and transfers of jurisdiction may be sought at any time without prior submission for map plan review and comment as provided in this section.

2. Between January 1, 2000 and July 1, 2000, and between January 1 and July 1 of each sixth year thereafter, each municipality, the county, and any citizen group may present general maps of proposed boundary changes and proposed established unincorporated areas to the commission for map plan review. Proposed incorporations and unincorporated areas, if not submitted by the county, shall be submitted by petition of no less than five percent of the registered voters within the proposed area. Boundary change and unincorporated area maps shall not be accompanied by a plan of intent, but shall be depicted with sufficient detail and accuracy to permit review and comment.

3. Between August 1 and December 31, 2000, and each sixth year thereafter, the commission shall solicit written comments on all boundary change and established unincorporated area map plans and shall hold informational public hearings in or near the affected areas, at which the county, any municipality, or other interested person

shall be heard. The commission may encourage negotiation between parties involved in competing map plans. Map plans may be amended by the submitting parties until April 15 of the year following map plan submission based on negotiation or based on the hearings or other comments, but no such amendment shall enlarge the boundary change or unincorporated area map plan beyond the area originally submitted, except for minor technical amendments necessary to address boundary issues.

4. The commission may by April 1 of the year following map plan submission issue written comments regarding each boundary change and unincorporated area map plan to notify proponents of the merits or demerits of such map plan based on planning and public policy considerations. The map plan as submitted or as amended by April 15 shall remain on file with the commission, and shall be the limit of permissible boundary changes and unincorporated area proposals as provided in subsection 1 of this section.

5. Proposals shall be submitted to the commission no later than July 1 of the third year following conclusion of map plan review. Any proposal which has not been approved by the commission by January 1 of the next review period year as provided in subsection 2 shall expire without further action.

Section 2. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity.

Section B. Because of the immediate need for clarification and correction of boundary change procedures, the repeal of section 72.410 and the repeal and reenactment of sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418 and 72.422 and the enactment of section 1, is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and the repeal of section 72.410 and the repeal and reenactment of sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.409, 72.412, 72.416, 72.418 and 72.422 and the enactment of section 1, is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 1 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 779, Page 1, Section In the Title, Lines 2-3, by striking the words "vacation of certain streets and easements" and inserting in lieu thereof the words "property of cities"; and

Further amend said bill, Page 2, Section 71.270, Line 29, by inserting after all of said line the following:

"88.812. In all third class cities, fourth class cities, towns and villages, and all cities having a constitutional charter or a special charter **except a constitutional charter city with a population over one hundred and thirty-five thousand located in a county of the first classification without a charter form of government**, the assessments made for constructing and repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating, macadamizing, curbing and guttering of any street, avenue, alley, square, or other highway, or part thereof, and repairing the same, or for any other improvement authorized by sections 88.497 to 88.663, and sections 88.667 to 88.773, and sections 80.090 to 80.560, RSMo, and sections 88.777 to 88.797, and sections 88.811 to 88.861, shall be known as "special assessments for improvements", and shall be levied and collected as a special tax, and a special tax bill shall issue therefor and be paid in the manner provided by ordinance. The legislative body of such city, town or village shall cause plans and specifications for all projects, together with an estimate of the total cost for the projects, including construction, construction contingency and fees and other expenses, and an estimate of the portion of the total cost to be assessed against each property to be benefited by the project, to be prepared by the city engineer or other proper officer, and filed with the clerk of such city, town or village, subject to the inspection of the public, and shall cause notice thereof to be published in some newspaper printed in the county for two consecutive insertions in a weekly paper, and for seven consecutive insertions in a daily paper. A public hearing shall be had before such legislative body upon the request of three or more citizens of such city, town or village, at which hearing citizens may express their assent or objection to such project. These special tax bills may include a reasonable construction contingency and an amount not to exceed twenty percent of the total cost of the improvement to be used for payment of fees and other expenses, and tax bills may bear interest not to exceed the rate on ten-year United States treasury notes as established at the most recent auction; all the tax bills shall become due and payable sixty days after the date of issue thereof, except in the case of tax bills payable in installments as herein provided; and, every special tax bill shall be a lien against the lot or tract or parcel of land described in said special tax bill for a period of ten years after date of issue, unless sooner paid, except in the case of special tax bills payable in installments, the lien of which shall not expire until one year after the date of maturity of the last installment, and except in any case where it becomes necessary to bring a suit to enforce the lien of any special tax bill, the lien of which shall continue until the expiration of the litigation. **A constitutional charter city with a population over one hundred and thirty-five thousand located in a county of the first classification without a charter form of government may provide for the special assessments enumerated in this section upon such terms, conditions and procedures as set forth in its own charter or ordinances.**"; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 779, Page 2, Section 71.270, Line 29, by inserting after all of

said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the municipality; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the municipality; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; **provided that, the municipality may only impose requirements and the posting of bonds regarding escrows for subdivision related regulations as provided for in subsections 2 to 4 of this section.**

2. The regulation may include, **but only include**, requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including, **but only including**, requirements as to the extent and manner of the installation of all utility facilities[, and]. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and **utility** installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council may accept a bond **or escrow** in an amount and with surety and **other reasonable** conditions [satisfactory to it], providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond;[and] **provided that, the release of such bond by the municipality shall be as specified in this section.** The council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that any amount held by the municipality to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. Any such category of improvement or utility work shall be deemed to be completed upon certification by the municipality that the project is complete including the filing of all documentation and certifications required by the municipality, in complete and acceptable form.**

The release shall be deemed effective when the funds are duly posted with the United States Postal Service or other agreed upon delivery service or when the funds are hand delivered to an authorized person or place as specified by the owner or developer.

4. **If the municipality has not released the funds within thirty days as provided in this section, the municipality shall pay the owner or developer in addition to the funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the funds have been released. Any owner or developer aggrieved by the municipality's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court shall award the prevailing party the amount of all costs attributable to the action, including reasonable attorneys' fees.**

5. **Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council."**; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 3** is out of order as it exceeds the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Quick moved that **SCS** for **HB 779** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HB 779** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Scott--2		
Absent with leave--Senator Singleton--1			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

PRIVILEGED MOTIONS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 291**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2

ON HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 291

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 291;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 291 with House Amendment No. 1 and House Amendment No. 2; and

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 291 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ Ed Quick
/s/ Jim Mathewson
/s/ Betty Sims
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Pat Dougherty
/s/ Ralph Monaco
/s/ Catherine L. Hanaway
Emmy McClelland
/s/ Marsha Campbell

Senator Caskey moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Banks	Howard	Jacob	Quick
Scott--5			
Absent with leave--Senator Singleton--1			

On motion of Senator Caskey, **CCS No. 2** for **HS** for **HCS** for **SB 291**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291

An Act to repeal sections 210.843, 454.430, 454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll

Westfall	Wiggins	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Banks	Scott--2	
	Absent with leave--Senator Singleton--1	

The President declared the bill passed.

President Wilson assumed the Chair.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Goode	Scott--3	
	Absent with leave--Senator Singleton--1		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 139**, with **SCS**, entitled:

An Act relating to tourism sales taxation, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Russell.

SCS for **HCS** for **HB 139**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 139An Act relating to taxation for tourism, with an emergency clause.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 139** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, In the Title, Line 2, by striking out all of said line 2 and inserting in lieu thereof the following: "Relating to taxation, with an emergency clause for certain sections."; and

Further amend said bill, Page 5, Section 9, Line 23, by inserting immediately after the end of said line 23 the following:

"Section 10. 1. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and from the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and under any local sales tax law, as defined in section 32.085, RSMo, any equipment purchased by a federally licensed commercial or public broadcast station when such equipment purchase is made as a result of federal mandate and the technological change that results. This exemption does not apply to replacement of equipment necessitated by a result of use or equipment replaced due to damage or theft.

2. As used in this section, the following terms mean:

- (1) "Broadcast equipment", such equipment as may be necessary for the broadcast station to fulfill those obligations as set forth under federal guidelines;**
- (2) "Federal mandate", any action of the congress of the United States or any federal regulatory agency having jurisdiction with regard to broadcast stations when such action requires broadcasters to alter methods of operation;**
- (3) "Federally licensed broadcast station", any enterprise, either commercial or non-commercial, which operates under a license granted by the Federal Communications Commission for the purpose of the free distribution of audio and/or video services when such distribution occurs by means of transmission over the public airwaves;**
- (4) "Technological change", those changes in the design and methods of operation of broadcast equipment which would, by virtue of these changes, require the implementation and/or installation of replacement equipment and the updating of existing equipment."**

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, Section Title, Line 1, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 144.605, RSMo 1994, relating to taxation, and to enact in lieu thereof ten new section relating to the same subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"Section A. Section 144.605, RSMo 1994, is repealed and ten new sections enacted in lieu thereof, to be known as sections 144.605, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:

144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:

(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;

(2) "Engages in business activities within this state" includes:

(a) Purposefully or systematically exploiting the market provided by this state by any media-assisted, media-facilitated, or media-solicited means, including, but not limited to, direct mail advertising, distribution of catalogs, computer-assisted shopping, telephone, television, radio, or other electronic media, or magazine or newspaper advertisements, or other media; or

(b) Being owned or controlled by the same interests which own or control any seller engaged in the same or similar line of business in this state; or

(c) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax [under] **pursuant to** sections 144.010 to 144.525; or

(d) Soliciting sales or taking orders by sales agents or traveling representatives;

(3) "Maintains a place of business in this state" includes maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(4) "Person", any individual, firm, copartnership, joint venture, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(5) "Purchase", the acquisition of the ownership of, or title to, tangible personal property, through a sale, as defined herein, for the purpose of storage, use or consumption in this state;

(6) "Purchaser", any person who is the recipient for a valuable consideration of any sale of tangible personal property acquired for use, storage or consumption in this state;

(7) "Sale", any transfer, barter or exchange of the title or ownership of tangible personal property, or the right to use, store or consume the same, for a consideration paid or to be paid, and any transaction whether called leases, rentals, bailments, loans, conditional sales or otherwise, and notwithstanding that the title or possession of the property or both is retained for security. For the purpose of this law the place of delivery of the property to the purchaser, user, storer or consumer is deemed to be the place of sale, whether the delivery be by the vendor or by common carriers, private contractors, mails, express, agents, salesmen, solicitors, hawkers, representatives, consignors, peddlers, canvassers or otherwise;

(8) "Sales price", the consideration including the charges for services, except charges incident to the extension of credit, paid or given, or contracted to be paid or given, by the purchaser to the vendor for the tangible personal property, including any services that are a part of the sale, valued in money, whether paid in money or otherwise, and any amount for which credit is given to the purchaser by the vendor, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, losses or any other expenses whatsoever, except that cash discounts allowed and taken on sales shall not be included and "sales price" shall not include the amount charged for property returned by customers upon rescission of the contract of sales when the entire amount charged therefor is refunded either in cash or credit or the amount charged for labor or services rendered in installing or applying the property sold, the use, storage or consumption of which is taxable [under] **pursuant to** sections 144.600 to 144.745. In determining the amount of tax due [under] **pursuant to** sections 144.600 to 144.745, any charge incident to the extension of credit shall be specifically exempted;

(9) "Selling agent", every person acting as a representative of a principal, when such principal is not registered with

the director of revenue of the state of Missouri for the collection of the taxes imposed [under] **pursuant to** sections 144.010 to 144.525 or sections 144.600 to 144.745 and who receives compensation by reason of the sale of tangible personal property of the principal, if such property is to be stored, used, or consumed in this state;

(10) "Storage", any keeping or retention in this state of tangible personal property purchased from a vendor [for any purpose], except **property for sale or property that is temporarily kept or retained in this state for** subsequent use [solely] outside the state;

(11) "Tangible personal property", all items subject to the Missouri sales tax as provided in subdivisions (1) and (3) of section 144.020;

(12) "Taxpayer", any person remitting the tax or who should remit the tax levied by sections 144.600 to 144.745;

(13) "Use", the exercise of any right or power over tangible personal property incident to the ownership or control of that property, except that it does not include **the temporary storage of property in this state for subsequent use outside the state**, or the sale of the property in the regular course of business;

(14) "Vendor", every person engaged in making sales of tangible personal property by mail order, by advertising, by agent or peddling tangible personal property, soliciting or taking orders for sales of tangible personal property, for storage, use or consumption in this state, all salesmen, solicitors, hawkers, representatives, consignees, peddlers or canvassers, as agents of the dealers, distributors, consignors, supervisors, principals or employers under whom they operate or from whom they obtain the tangible personal property sold by them, and every person who maintains a place of business in this state, maintains a stock of goods in this state, or engages in business activities within this state and every person who engages in this state in the business of acting as a selling agent for persons not otherwise vendors as defined in this subdivision. Irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, consignors, supervisors, principals or employers, they must be regarded as vendors and the dealers, distributors, consignors, supervisors, principals or employers must be regarded as vendors for the purposes of sections 144.600 to 144.745. A person shall not be considered a vendor for the purposes of sections 144.600 to 144.745 if all of the following apply:

(a) The person's total gross receipts did not exceed five hundred thousand dollars in this state, or twelve and one-half million dollars in the entire United States, in the immediately preceding calendar year;

(b) The person maintains no place of business in this state; and

(c) The person has no selling agents in this state."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 5, Section 9, Line 23, by inserting after all of said line the following:

"Section 10. 1. To promote tourism by maintaining the quality of the waters of the state, the governing body of any county may impose, by ordinance or order, a sales tax in the amount of up to one-fourth of one percent on all retail sales made in such county which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities, and the governing body of any county, in conjunction with the imposition of any sales tax pursuant to this subsection, may have the option to issue bonds to preliminary fund the provision of improved treatment of wastewater and water pollution abatement as specified in this subsection. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by

law; except that, no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax. In addition, a county shall only be authorized to issue bonds in conjunction with any sales tax imposed pursuant to this section after the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to issue bonds. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years; provided that, if sales tax is imposed pursuant to this section in conjunction with the issuance of bonds, the sales tax shall expire upon full repayment of all bonds issued.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to impose the tax authorized by this section, authorization to issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement as specified in subsection 1 of this section, obligates the county to repay all bonds issued from the proceeds of the tax authorized by this section and requires the expiration of the tax upon the repayment of all such bonds, the ballot shall contain substantially the following:

Shall the county of(county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improvement treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county, issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement, repay all bonds issued from the proceeds of the tax imposed and terminate such tax upon the repayment of all such bonds?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund". The moneys in the local wastewater treatment sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 2 of this section in the ordinance or order adopted by the governing body submitting the local wastewater treatment tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. All provisions of chapter 108, RSMo shall apply to any bonds issued pursuant to this section.

9. For purposes of this section, the term "waterwater treatment and water pollution abatement" is limited to the following:

(1) Establishment of new wastewater treatment facilities or expansion or other improvement to existing wastewater treatment facilities;

(2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and

(3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to chapter 644, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion failed.

Senator Staples assumed the Chair.

Senator Westfall offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Pages 2-4, Sections 2-8, by striking all of said sections; and further amend by renumbering the remaining section accordingly; and

Further amend said bill, Page 5, Section A, Line 2, by striking the following: "1 to 9" and inserting in lieu thereof the following: "1 and 2"; and further amend line 5, by striking the following: "1 to 9" and inserting in lieu thereof the following: "1 and 2".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 1, Section Title, Line 1, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 144.190, RSMo 1994, relating to taxation, and to enact in lieu thereof ten new section relating to the same subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"Section A. Section 144.190, RSMo 1994, is repealed and ten new sections enacted in lieu thereof, to be known as sections 144.190, 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax [under] **pursuant to** sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, [his] **such person's** administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax [under] **pursuant to** sections 144.010 to 144.510, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing under oath, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon [his] **the director's** record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct pay agreements, the taxes authorized [under] **pursuant to** chapters 66, RSMo, 67, RSMo, 92, RSMo, and 94, RSMo, shall be remitted based upon the

location of the place of business of the purchaser. [The deduction allowed in section 144.140 shall not be allowed to any person who is qualified to receive and has received the direct payment authorization as provided by this subsection.]".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 5, Section 9, Line 23, by inserting after all of said line the following:

"Section 10. 1. To promote tourism by maintaining the quality of the waters of the state, the governing body of any county containing part of a corps of engineer lake may impose, by ordinance or order, a sales tax in the amount of up to one-fourth of one percent on all retail sales made in such county which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities, and the governing body of any county, in conjunction with the imposition of any sales tax pursuant to this subsection, may have the option to issue bonds to preliminary fund the provision of improved treatment of wastewater and water pollution abatement as specified in this subsection. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; except that, no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax. In addition, a county shall only be authorized to issue bonds in conjunction with any sales tax imposed pursuant to this section after the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to issue bonds. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years; provided that, if sales tax is imposed pursuant to this section in conjunction with the issuance of bonds, the sales tax shall expire upon full repayment of all bonds issued.

2. The ballot of submission shall contain, but need not be limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of (county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improved treatment of wastewater and water pollution abatement, including establishment of new wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to impose the tax authorized by this section, authorization to issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement as specified in subsection 1 of this section, obligates the county to repay all bonds issued from the proceeds of the tax authorized by this section and requires the expiration of the tax upon the repayment of all such bonds, the ballot shall contain substantially the following:

Shall the county of(county's name) impose a countywide sales tax of (insert amount) for the purpose of providing improvement treatment of wastewater and water pollution abatement, including establishment of new

wastewater treatment facilities or expansion or other improvements to existing wastewater treatment facilities in the county, issue bonds to preliminarily fund the provision of improved treatment of wastewater and water pollution abatement, repay all bonds issued from the proceeds of the tax imposed and terminate such tax upon the repayment of all such bonds?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a county from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for the purposes specified in the proposal submitted pursuant to subsection 2 of this section within such county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Wastewater Treatment Sales Tax Trust Fund". The moneys in the local wastewater treatment sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the local wastewater treatment sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any purposes authorized pursuant to subsection 2 of this section in the ordinance or order adopted by the governing body submitting the local wastewater treatment tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem

dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.
8. All provisions of chapter 108, RSMo shall apply to any bonds issued pursuant to this section.
9. For purposes of this section, the term "wastewater treatment and water pollution abatement" is limited to the following:
- (1) Establishment of new wastewater treatment facilities or expansion or other improvement to existing wastewater treatment facilities;
 - (2) Elimination or reduction of the release of water pollutants affecting waters of the state located in the county; and
 - (3) Use of funds as matching funds for grants or loans from the clean water commission pursuant to chapter 644, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 139, Page 5, Section 9, Line 23, by inserting after all of said line the following:

"Section 10. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies."; and further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 139**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 139**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senator Singleton--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Steelman--1			
Absent--Senators			
Banks	Howard--2		
Absent with leave--Senator Singleton--1			

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HS** for **HB 450**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HB 450** was again taken up.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HB 450**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 450

An Act to repeal sections 8.380, 8.420, 249.645, 278.220, 278.240, 278.245, 278.250, 278.280, 278.290, 278.300, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 204.300, 247.030, 247.040, 644.031 and 644.509, RSMo Supp. 1998, and to enact in lieu thereof forty-seven new sections relating to public infrastructure, with an emergency clause for certain sections.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HB 450** be adopted.

Senator Quick offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 7, Section 66.405, Line 14 , by inserting after all of said line the following:

"70.240. The parties to such contract or cooperative action or any of them, **or any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services**, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties thereto in the same manner as now or hereafter provided for corporations created under the law of this state for public use, chapter 523, RSMo, and amendments thereto, **or any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services**, the lands necessary or useful for the joint use of the parties for the purposes provided in section 70.220 **or section 70.260**, either within or without the corporate or territorial limits of one or more of the contracting parties, and shall have the power to hold or acquire said lands as tenants in common **with the parties to such contract or in the name of any joint board or commission formed pursuant to section 70.260; provided however, in no event shall any joint board or commission formed pursuant to section 70.260 for the purpose of providing water or sewer services exercise the power of eminent domain within the corporate or territorial limits of one of the contracting parties without such party's consent.**"; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 11, Section 91.055, Line 13, by inserting after all of said line the following:

"116.170. **1.** After the general assembly adopts a joint resolution proposing a constitutional amendment or a bill which is to be referred to a vote of the people and it has been delivered to the state auditor, the state auditor shall, within thirty days, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

2. When the resolution authorizes the issuance of bonds or other forms of indebtedness, the fiscal note summary shall indicate the full cost of such indebtedness, including retirement costs of such bonds."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 21, Section 247.040, Line 24, by inserting after all of said line the following:

"249.470. The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, **except that whenever the commission of a county of the first classification without a charter form of government deems that a county-wide wastewater treatment authority would best serve the needs of such county, the commission may establish a county-wide sewer district which**

shall be subject to the provisions of sections 249.430 to 249.660. The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, **except as otherwise provided in this section,** no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Pages 23-24, Section 278.200, by striking all of said section; and

Further amend said bill, Pages 24-27, Section 278.240, by striking all of said section; and

Further amend said bill, Pages 27-28, Section 278.245, by striking all of said section; and

Further amend said bill, Pages 28-32, Section 278.250, by striking all of said section; and

Further amend said bill, Pages 32-36, Section 278.280, by striking all of said section; and

Further amend said bill, Pages 36-37, Section 278.290, by striking all of said section; and

Further amend said bill, Page 38, Section 278.300, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, Page 11, Section 204.300, Line 13, of said page by inserting immediately after said line the following:

"245.060. Within thirty days after any levee district shall have been organized and incorporated under the provisions of section 245.025 the circuit clerk of the court organizing said district shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situate, the last insertion to be at least ten days before the day of such meeting, call a meeting of the owners of real estate or other property situate in said district, **including the authorized representative of any corporation which owns real estate or other property situate in said district,** at a day and hour specified in some public place in the county in which the district was organized, for the purpose of electing a board of five supervisors, to be composed of owners of real estate in said district, **which may include the authorized representative of any corporation which owns real estate or other property in said district,** two of whom at least shall be residents of the county or counties in which said district is situate, or some adjoining counties; the landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; at such election each and every acre of land and each and every mile of right-of-way of every corporation owning a franchise in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way owned by him in such district, and the five persons receiving the highest number of votes shall be declared elected as supervisors; and said supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors shall have been elected and qualified; provided, that if the levee district be located within a third or fourth class city of this state,

or within any city in this state under fifty thousand population operating under a special charter then the owner of each lot, tract, parcel or subdivision thereof, as set forth in the final decree of the court creating and incorporating said levee district, shall be entitled to one vote, in person or by proxy, for each lot, tract, parcel or subdivision thereof, owned by him."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HB 450**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **HS** for **HB 450**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senator Banks--1			
Absent with leave--Senator Singleton--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Russell	Schneider	Sims	Staples
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Rohrbach	Steelman--2		
Absent--Senators			
Banks	Mathewson	Scott--3	
Absent with leave--Senator Singleton--1			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 401, with **SCS**, introduced by Represen-tative Barry, et al, entitled:

An Act relating to screening for hearing loss in newborns.

Was called from the Informal Calendar and taken up by Senator Caskey.

SCS for **HB 401**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 401

An Act to amend chapters 162, 170, 191 and 376, RSMo, by adding thereto twelve new sections relating to programs for the disabled.

Was taken up.

Senator Caskey moved that **SCS** for **HB 401** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 401, Page 10, Section 376.685, Line 17, by inserting immediately after the word "policy" as it first appears on said line, the following: ", **short-term major medical policies of six months or less duration**,".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**, which was read:SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute House Bill No. 401, Page 10, Section 376.685, Line 25, by inserting after all of said line the following:

"Section 1. Nothing in section 376.1361, RSMo, shall require a health carrier to pay for services which were authorized through utilization review for precertification, if the services are not otherwise covered under the health benefit plan."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

At the request of Senator Sims, **SA 2** was withdrawn.

Senator Maxwell offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 401, Page 6, Section 191.253, Lines 8-9, by deleting said lines and inserting in lieu thereof the following:

"provisions of section 191.250, as necessary to assure appropriate and timely diagnosis of hearing loss, delivery of amplification, and referral for early intervention services. Such standards and procedures shall include:"; and

Further amend said bill, page 9, Section 376.685, lines 8-10, by deleting said lines and inserting in lieu thereof the following:

"in this state shall provide coverage for newborn hearing screening, necessary rescreening, audiological

assessment and follow-up, and initial amplification."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 401, Page 10, Section 376.685, Line 25, by inserting after all of said line the following:

"376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for **at least a forty-eight-hour stay in the hospital immediately following a mastectomy, and** prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the [oncologist or primary care] **attending** physician for the patient incident to the mastectomy, **including a minimum seventy-two-hour stay in the hospital following immediate or concurrent reconstructive surgery**. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits.

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy.

4. No insurer, as defined in section 376.060, shall require as a condition of coverage that procedures performed pursuant to this section be performed on an out-patient basis."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 4** is out of order and goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 4 was again taken up.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Ehlmann offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 401, Page 9, Section 191.265, Lines 8-10, by striking all of

said lines, and inserting in lieu thereof the following:

"2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 191.250 to 191.265 or Section 376.685, RSMo, shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **HB 401**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 401**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senator Singleton--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HB 490** and **HCS** for **HB 308**, with **SCS**, entitled respectively:

An Act relating to the establishment of the family care safety act, with penalty provisions.

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Were called from the Informal Calendar and taken up by Senator Sims.

SCS for **HCS** for **HB 490** and **HCS** for **HB 308**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 490 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 308

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions, a termination date for certain sections and an emergency clause for certain sections.

Was taken up.

Senator Sims moved that **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308** be adopted.

Senator Sims offered **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 490 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 308

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions, a termination date for certain sections and an emergency clause for certain sections.

Senator Sims moved that **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17, by inserting after all of said line the following:

"Section 16. Any person or entity which transports, directly or indirectly, a natural, living person laying down, for a fee, shall be subject to all provisions of this act, unless such person or entity is duly licensed under section 190.109, RSMo or unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported in an ambulance. The department shall promulgate rules and regulations relating

to the provisions of this subsection. Such rules and regulations shall include insurance requirements, training requirements, staffing requirements and medical oversight."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Yeckel raised the point of order that **SA 1** is out of order because the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 2, Section A, Line 3, by inserting immediately after said line the following:

"167.181. 1. The department of health, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health shall supervise and secure the enforcement of the required immunization program. **The department of health shall inform the public of all exemptions available whenever immunization schedules are available.**

2. It is unlawful for any student to attend school unless he **or she** has been immunized as required [under] **pursuant to** the rules and regulations of the department of health, and can provide satisfactory evidence of such immunization; except that if [he] **the student** produces satisfactory evidence of having begun the process of immunization, he **or she** may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to [his] **the child's** school administrator against the immunization of the child, because of religious beliefs [or], medical contraindications **or personal convictions. For purposes of this section, personal conviction includes, but is not limited to, the use of homeopathic or alternative medicine.** In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health.

5. The immunization required may be done by any duly licensed physician or by someone under [his] **such physician's** direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630, RSMo.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health from general revenue or from federal funds if available.

7. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this section shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024] **chapter 536**, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 2** is out of order because it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 13, Section 210.254, Line 5, by deleting the "." after the word "facility" and insert in lieu thereof the following: ", if said facility chooses to comply."; and

Further amend line 5, same page and section, by deleting the word "shall" and insert in lieu thereof the word "may".

Senator Kenney moved that the above amendment be adopted.

At the request of Senator Sims, **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 18**, as amended, and has taken up and passed **CCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 19**, as amended, and has taken up and passed **HB 19**, as amended by **SCA 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in the Conference Committee Report on **HCS** for **SCS** for **SBs 31** and **285**, as amended, and requests the Senate grant the House further conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 65**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and allow the conferees to exceed the differences to the extent necessary to add or delete the language in **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 65**, as amended, and grant the House a conference thereon and further that the Senate conferees be allowed to exceed the differences to the extent necessary to add or delete language in **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 18**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 18

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 18.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 18.
- 3. That the attached Conference Committee Substitute for House Bill No. 18, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Scott B. Lakin
/s/ Louis Ford
/s/ Ken Legan
/s/ Charlie Shields

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Clay--2		

On motion of Senator Goode, **CCS** for **HB 18**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 18

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Banks-- 1		
	Absent with leave--Senator Singleton-- 1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HB 19**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 19

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on House Bill No. 19, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on SCA #1.
2. That House Bill No. 19, as amended by SCA #2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Sam Leake

/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

/s/ Mike Schilling
/s/ Ken Legan
/s/ Roy W. Holand

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senator Singleton--1		

On motion of Senator Goode, **HB 19**, as amended by **SCA 2**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senator Singleton--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SB 288**, as amended: Senators Quick, Johnson, Scott, Mueller and Klarich.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 65**, as amended: Senators Scott, Mathewson, Staples, Mueller and Sims.

PRIVILEGED MOTIONS

Senator Howard moved that the Senate grant the House further conference on **HCS** for **SCS** for **SBs 31** and **285**, as amended, which motion prevailed.

Senator Wiggins assumed the Chair.

HCS for **HB 60**, with **SCS**, entitled:

An Act to repeal sections 301.129, 301.145, 301.441, 301.443, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.464 and 301.465, RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Staples.

SCS for **HCS** for **HB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 60

An Act to repeal sections 301.080, 301.192, 301.215, 301.300, 301.340, 301.370 and 301.711, RSMo 1994, sections 301.020, 301.129, 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465, 301.466, 301.564 and 301.800, RSMo Supp. 1998, section 301.064 as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, and section 301.064, as enacted by house bill no. 769 of the 1st regular session of the 89th general assembly, as both sections appear in RSMo, Supp. 1998, and section 301.144, as enacted by both senate bill no. 3 and senate bill no. 70 of the 1st regular session of the 88th general assembly, as both sections appear in the RSMo, Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Staples moved that **SCS** for **HCS** for **HB 60** be adopted.

Senator Staples offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill 60, Page 17, Section 301.145, Line 5, by making bold-faced the following language: "vehicle licensed in excess of eighteen"; and

Further amend said bill, page 26, section 301.445, line 7, by making bold-faced the following language: "in excess of eighteen"; and

Further amend said bill, page 28, section 301.448, line 9, by making bold-faced the following language: "vehicle"; and further amend lines 10-11, by making bold-faced the following language: "in excess of eighteen"; and

Further amend said bill, page 30, section 301.451, lines 4-5, by making bold-faced the following language: "motor vehicle licensed in excess of eighteen"; and

Further amend said bill, page 33, section 301.456, line 7, by making bold-faced the following language: "in excess of eighteen"; and

Further amend said bill, page 34, section 301.457, line 8, by making bold-faced the following language: "in excess of

eighteen"; and further amend lines 15-16, by making bold-faced the following language: "payment of a fifteen-dollar fee in addition to the regular registration fees"; and

Further amend said bill, page 39, section 301.464, lines 5-6, by making bold-faced the following language: "other than an apportioned motor vehicle or a"; and further amend line 7, by making bold-faced the following language: "in excess of eighteen"; and further amend line 14, by making bold-faced the following language: "payment of a fifteen-dollar fee in addition to the regular registration fees".

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 30, Section 301.451, Lines 15-18, by deleting all of said lines and inserting in lieu thereof the following: "for each set of special purple heart license plates [issued equal to the fee charged for personalized license plates] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] A fee for the".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 48, Section 6, Line 6, by inserting immediately after said line the following:

"Section 7. Any person who has been awarded the distinguished flying cross medal may apply for distinguished flying cross motor vehicle license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the distinguished flying cross medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for each set of special plates. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 18, Section 301.192, Line 1, by inserting immediately before said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 4** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 4 was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 1, In the Title, Line 13, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 2, Section A, Line 11, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 2, Section A, Line 16, by deleting the word and number "and 6" and inserting in lieu thereof the following: ", 6 and 7"; and

Further amend said bill, Page 48, Section 6, Line 6, by inserting after all of said line the following:

"Section 7. 1. A motor vehicle owner may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Missouri federation of square and round dance clubs. The Missouri federation of square and round dance clubs hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri federation of square and round dance clubs derived from this section, except reasonable administrative costs, shall be used solely for the educational programs or purposes of the federation. Any motor vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a five dollar emblem-use contribution to the Missouri federation of square and round dance clubs, the federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by such owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, RSMo, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri federation of square and round dance clubs, to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

3. A vehicle owner, who was previously issued a plate with the Missouri federation of square and round dance clubs emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the federation emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration and enforcement of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Pages 46 and 47, Section 4, Lines 1 through 64, by deleting said lines; and further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator Schneider assumed the Chair.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 5, Section 301.064, Line 21, by striking the word "promulgated" and inserting in lieu thereof the following: **"created"**; and further amend lines 22 and 23, by striking the following: "has been promulgated pursuant to" and inserting in lieu thereof the following: **"complies with and is subject to all of"**; and further amend line 23, by inserting

after "RSMo." the following: **"All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed."**; and

Further amend said bill, Page 16, Section 301.144, line 20, by striking the word "promulgated" and inserting in lieu thereof the following: **"created"**; and further amend line 21, by striking the following: "has been promulgated pursuant to" and inserting in lieu thereof the following: **"complies with and is subject to all of"**; and further amend line 22, by inserting after "RSMo." the following: **"All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed."**

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 60, Page 48, Section 6, Line 6, by inserting after all of said line the following:

"Section 7. 1. Any person may receive specialized license plates with words and an emblem which denotes respect for human life both before and after birth, pursuant to this section, for any vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE", shall bear an image of a single red rose placed on the plate in a conspicuous manner, and shall have a background with a color scheme chosen to complement and highlight the words "RESPECT LIFE" and the image of the red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents which may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of twenty-five dollars is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates which are not respect life license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of the respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director, by the Missouri respect life commission, or jointly, describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund was created.

7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to this section.

8. The director of revenue shall promulgate all necessary rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

Section 8. 1. There is hereby established in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund all moneys which may be required by law to be credited to or deposited in such fund, all moneys which may be appropriated to it by the general assembly, other amounts which may be received from general revenue, grants, gifts, bequests or from federal, state or local sources, and any other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings which result from the investment of moneys in the Missouri alternatives to abortion support fund shall be credited to such fund.

3. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium, shall not apply to the Missouri alternatives to abortion support fund.

4. The administration of the Missouri alternatives to abortion support fund, including but not limited to the disbursement of moneys from such fund, shall be as prescribed by the Missouri respect life commission in its rules. Moneys credited to and deposited in the fund shall only be used by the commission for the purposes authorized pursuant to this section or as otherwise provided by law.

5. Until the amount in the Missouri alternatives to abortion support fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund credited to the fund during the previous fiscal year, shall be available for disbursement by the Missouri respect life commission pursuant to this section. When the state treasurer certifies that the assets in the fund exceed one million dollars, from that time on all credited earnings plus all future credits to and deposits in the fund from all sources shall be available for disbursement by the commission within the limits of appropriations and for the purposes of this section. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the office of administration to pay the expenses incurred by the office of administration for budgetary, procurement, accounting and other related management functions performed by it relating to the Missouri respect life commission, to the members of the commission to pay the expenses of the members, and to the executive director and employees of the commission for salaries.

6. The purpose of the Missouri alternatives to abortion support fund is to support those private agencies which are:

- (1) Established primarily to provide alternative to abortion services, and which do not perform or refer for abortions;**
- (2) Located in this state; and**
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code.**

For purposes of this section, the term "alternative to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy specifically to assist her in carrying her pregnancy to term instead of having an abortion.

Section 9. 1. There is hereby established in the office of administration the "Missouri Respect Life Commission". The commission shall consist of thirteen members, two who shall be members of the Missouri senate, one from the majority party and one from the minority party, appointed by the president pro tem of the senate, two who shall be members of the Missouri house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives, and nine members, one from each congressional district, appointed by the governor with the advice and consent of the senate. Not more than five congressional district members shall be from the same political party.

2. The four members appointed from the general assembly shall serve during their term as a member of the general assembly, and the nine congressional district members shall serve four-year terms, except that of the initial appointments, five shall be appointed for a term of four years and four shall be appointed for a term of two years. Before the expiration of the term of a congressional district member appointed by the governor, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a congressional district member for any cause, the governor shall make an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the commission and confirmation of the senate, a person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for innocent human life from conception until natural death, and the need to offer and promote alternative to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making congressional district member appointments to the commission, the governor shall consider nominees recommended to the governor for appointment by right-to-life organizations of this state.

4. Any congressional district member may be removed by the governor for misconduct, incompetency or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

5. The commission shall elect one of its members to serve as chairperson of the commission, and may elect such other officers and establish such committees as deemed necessary.

6. The commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or the commission. The executive director may obtain all necessary office space, facilities and equipment, and may hire and set the compensation of such staff as is approved by the commission, within the limitations of appropriations for this purpose.

7. Each member of the commission shall serve without compensation but shall be reimbursed for ordinary and necessary expenses incurred in the performance of his or her duties.

8. The commission shall exercise its powers and duties independently of the office of administration, except that budgetary, procurement, accounting and other related management functions shall be performed by the office of administration.

9. The commission shall meet at least quarterly.

10. The powers and duties of the Missouri respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the Missouri alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards and public and private agencies to determine the effectiveness of, and need for, alternative to abortion services and effectiveness of, and need for, programs that foster respect for human life both before and after birth;

- (3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternative to abortion services, and concerned with offering and promoting programs that foster respect for human life both before and after birth;
- (4) To develop statewide educational and public informational campaigns, conferences and workshops for the purpose of developing appropriate public awareness regarding respect for human life both before and after birth, and the need to offer and promote alternative to abortion services;
- (5) To identify those groups of pregnant women at risk of obtaining abortions, identify problems and conditions such pregnant women have and encounter which causes them to choose to obtain abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;
- (6) To recommend statutory changes and appropriations to promote alternative to abortion services and to promote programs that foster respect for human life both before and after birth;
- (7) To solicit and accept general revenue, grants, gifts, bequests, contributions or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state or local sources;
- (8) To perform any other functions or duties consistent with the provisions of this section or otherwise required by law;
- (9) To promulgate rules necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

11. The Missouri respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives and the governor before January thirty-first of each year."; and

Further amend title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Staples moved that **SCS** for **HCS** for **HB 60**, as amended, be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

On motion of Senator Staples, **SCS** for **HCS** for **HB 60**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Kenney	Klarich
Mathewson	Maxwell	Russell	Schneider
Scott	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Rohrbach	Sims--2		

	Absent--Senators		
Banks	Clay	Goode	Jacob
Johnson	Kinder	Mueller	Quick--8
	Absent with leave--Senator Singleton-- 1		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator DePasco moved that **SB 196**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 196**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 196

An Act to repeal sections 86.450, 86.457 and 105.691, RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator DePasco moved that **HCS** for **SB 196**, as amended, be adopted, which motion failed by the following vote:

	YEAS--Senators--None		
	NAYS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	Absent--Senators		
Banks	Clay	Goode	Jacob
Johnson	Kinder	Mueller--7	
	Absent with leave--Senator Singleton-- 1		

Senator DePasco moved that the Senate request the House to take up and pass **SB 196**, which motion prevailed.

President Pro Tem Quick assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 65**, as amended: Representatives O'Toole, Skaggs, Hagan-Harrell, Elliott, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 495**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 32**, entitled:

An Act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to the rights and benefits of employees, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 326**, entitled:

An Act to repeal sections 197.310, 197.315, 197.325, 197.330, 197.335, 197.350, 197.360, 197.365, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.313, 197.316, 197.317, 197.318, 197.320, 198.067 and 198.439, RSMo Supp. 1998, relating to nursing home reimbursement and regulation, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with an emergency clause for certain sections, expiration dates for certain sections and penalty provisions.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 888**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and the conferees are allowed to exceed the differences on taking out the provisions for the state's equity position as stated in the bill.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 888**, as amended, and grant the House a conference thereon and further that the conferees be allowed to exceed the differences on taking out the provisions for the state's equity position as stated in the bill, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 888**, as amended: Senators Mathewson, Johnson, Caskey, Graves and Westfall.

RESOLUTIONS

On behalf of Senator Singleton, Senator Quick offered Senate Resolution No. 819, regarding Marilyn Jacobs, Joplin, which was adopted.

Senator Westfall offered Senate Resolution No. 820, regarding the death of D. L. "Bub" Barham, Halfway, which was adopted.

Senators Bland and Banks offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 821

WHEREAS, the Members of the Missouri Senate are always pleased to recognize Missouri citizens and the organizations they serve when they observe significant milestones in their lives; and

WHEREAS, it has come to the attention of this body that Representative Betty L. Thompson, a distinguished State Legislator, outstanding wife and mother along with her husband and daughter will soon be celebrating another big accomplishment; and

WHEREAS, on Friday, May 14, 1999 Representative Thompson, her husband Jack and daughter Sonja will gather at the campus of Washington University as a proud family to attend the commencement exercise of their two sons, as they receive degrees; and

WHEREAS, Anthony "Tony" Thompson, a fine gentleman, son, brother, CEO and President of Kwame Building Group will be receiving a Master's Degree in Engineering from Washington University. This degree will be added to his collection of degrees, which includes degrees in Finance, Architecture Engineering, Business, Environment, and Urban Design. Anthony plans to utilize his degrees and expertise by working with the St. Louis Airport Expansion Project in construction management; and

WHEREAS, Kwame Terrence Thompson, a fine gentleman, son, and brother will also receive a degree on that same day. Kwame, who already holds a Bachelor of Science Degree in Biology will receive a Juris Doctor Degree in Law; and

WHEREAS, during his academic career, Kwame has served as past president of the Dr. Martin Luther King Youth Group, past president of Kappa Alpha Psi Fraternity, past president of the Panalistic Group and has just completed his internship as Law Clerk in Washington D.C. while working for Congressman William "Bill" Clay. Kwame has already accepted a position with Bryan Cave Law Firm, one of the biggest law firms in St. Louis; and

WHEREAS, in praising Anthony and Kwame for completing another great milestone, recognition must be given to the proud parents, Representative Betty Thompson and husband Jack for their outstanding job as parents, and role models to their children; and

WHEREAS, Sunday, May 9, 1999 will be observed as Mother's Day honoring all mothers around the globe for their continuous jobs and tireless efforts in providing love, care, warmth and direction to their children; and

WHEREAS, it is only proper and fitting to take this moment to honor Representative Betty Thompson, as "Legislative Mother of the Year" for all of the contributions that she has made to her constituents, community, and most importantly her family including her two fine sons Anthony and Kwame;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, 90th General Assembly, join Senator J.B. "Jet" Banks, of the Fifth Senatorial District in commending Representative Thompson for her exemplary work as a mother, which is truly reflected in the accomplishments of her sons; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Representative Thompson, and her husband Jack, Anthony "Tony" Thompson, Kwame Terrence Thompson and Sonja Thompson.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 822

WHEREAS, May 22, 1999, will irrefutably be a very special day for Mr. and Mrs. Joseph A. Schnieders of Jefferson City, Missouri, as they commemorate the truly remarkable occasion of their Fiftieth Wedding Anniversary; and

WHEREAS, upon attaining this significant milestone in their marriage, Joseph and Susie (Engelbrecht) Schnieders will undoubtedly look back some five decades ago and reminisce about the first time they met, their courtship, and that glorious day in which they exchanged their sacred nuptial vows during a beautiful ceremony in Wardsville; and

WHEREAS, God has blessed Joseph and Susie Schnieders with a wonderful family whose members include their children, Nancy and Bill Gratz and Brenda and Fred Roling; five grandchildren, Craig Gratz, Travis Roling, Kim Sandbothe, Troy Roling, and Kristi Gratz; two great-grandchildren, Tyler and Logan Gratz; and two additional great-grandchildren due in June; and

WHEREAS, known as a dedicated family man, Joseph Schnieders worked for several years at the International Shoe Factory before becoming employed as a carpenter at Otke and Kaiser Construction Company prior to retirement; and

WHEREAS, Susie Schnieders distinguished herself through a long and illustrious career at the International Shoe Factory and at Busch's Lake, now known as Hidden Valley; and

WHEREAS, Joseph Schnieders derives spiritual fulfillment from his affiliation with St. Stanislaus Church in Wardsville, while Susie worships at Immanuel Lutheran Church in Honey Creek; and

WHEREAS, always there for their family, Mr. and Mrs. Schnieders enjoy spending time with their loved ones while fishing, mushroom hunting, deer and turkey hunting, barbequing, and gardening;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations and best wishes to his mother- and father-in-law, Joseph and Susie Schnieders, for their tremendous success in achieving fifty years of matrimonial happiness and in wishing them only the best as they continue their journey together walking hand-in-hand along life's path; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. and Mrs. Joseph A. Schnieders.

Senator Quick offered Senate Resolution No. 823, regarding Gary Richard McCollough, Liberty, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SB 336**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62** and **579**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HB 826**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HJR 26**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator DePasco, the Senate adjourned until 12:00 noon, Monday, May 10, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY--MONDAY, MAY 10, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We begin a week that may look and feel like a marathon run as we deal with the various bills and their adjustments to reconcile them with the House and make them more effective. Bless us with Your Holy Spirit that is surely needed this week and grant us an extra measure of wisdom and Your peace to carry us through these long days. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 7, 1999, was read and approved.

Senator DePasco announced that photographers from the Senate and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator House offered Senate Resolution No. 824, regarding Ken Hussey, St. Charles County, which was adopted.

THIRD READING OF SENATE BILLS

SB 472 was placed on the Informal Calendar.

SS for SCS for SBs 347, 40, 241 and 301 was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that SCS for HCS for HB 343, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Caskey, SCS for HCS for HB 343, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
House	Howard	Jacob	Kenney
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Mueller	Rohrbach--2		
Absent--Senators			
Clay	Ehlmann	Graves	Johnson
Kinder	Singleton	Staples--7	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Flotron	Goode
House	Howard	Jacob	Kenney
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Mueller	Rohrbach--2		
Absent--Senators			
Clay	Ehlmann	Graves	Johnson
Kinder	Singleton	Staples--7	
Absent with leave--Senators--None			

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HS for HCS for HB 852, with SCS, entitled:

An Act to repeal sections 632.483, 632.489, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Caskey.

SCS for **HS** for **HCS** for **HB 852**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 852

An Act to repeal sections 600.042, 632.483, 632.489, 632.492, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HS** for **HCS** for **HB 852** be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

President Pro Tem Quick assumed the Chair.

On motion of Senator Caskey, **SCS** for **HS** for **HCS** for **HB 852** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	House	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Clay	Graves	Howard	Jacob
Johnson	Kinder	Schneider	Singleton--8
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

At the request of Senator Stoll, **HCS** for **HB 889** was placed on the Informal Calendar.

HS for **HCS** for **HB 793**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 676**, with **SCS**, entitled:

An Act to repeal sections 115.105, 115.195, 115.199, 115.289, 115.298, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.637, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-six new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Stoll.

SCS for **HCS** for **HB 676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 676

An Act to repeal sections 115.105, 115.195, 115.199, 115.231, 115.289, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.647 and 115.652, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.611, 115.613, 115.615, 115.621, 115.635, 115.637, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof forty-two new sections relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **HCS** for **HB 676** be adopted.

Senator Stoll offered **SS** for **SCS** for **HCS** for **HB 676**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 676

An Act to repeal sections 115.065, 115.105, 115.195, 115.199, 115.231, 115.289, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.647 and 115.652, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.124, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.637, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780, 115.785 and 130.057, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

Senator Stoll moved that **SS** for **SCS** for **HCS** for **HB 676** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676,

Page 79, Section 130.057, Line 25 of said page, by striking the words "any one" and inserting in lieu thereof the following: "**the applicable**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 676, Page 82, Section 130.057, Line 1, by inserting after all of said line the following:

"205.180. 1. Each candidate for the office of hospital trustee shall file with the county clerk an announcement of candidacy in writing. The announcement shall indicate whether the individual is a candidate for a full or an unexpired term of a named predecessor. No filing fee shall be required to be paid upon the filing of any announcement. **If the number of candidates is no greater than the number of trustees to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected.** If announcements of a sufficient number of trustees are not filed, the county commission shall appoint such trustee or trustees as may be necessary to fill all vacancies on the board which result from the expiration of the term of any trustee or trustees, **and** any appointee shall serve until the next general election when a trustee shall be elected to fill the remainder of the unexpired term.

2. The ballots shall not contain any designation of the political party affiliation of any candidate for trustees to be elected and shall state whether any of the trustees is to be elected for an unexpired term:

FOR HOSPITAL TRUSTEE

(Vote for)

.....
.....
.....
.....

FOR HOSPITAL TRUSTEE

For unexpired term ending

(Vote for)

.....
.....
.....
.....

3. The candidates whose names have been placed on the ballot by the county commission pursuant to sections 205.170 and 205.180 and who receive the highest number of votes for the offices of trustee to be filled shall be declared elected by the county commission which shall issue commissions to the elected trustees."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 80, Section 130.057, Lines 3 and 4 of said page, by striking the words "any one" and inserting in lieu thereof the following: "**the applicable**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 1, Section Title, Line 12, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, page 82, section 1, lines 1-9, by striking all of said lines and inserting in lieu thereof the following:

"Section 2. Before the ballot is printed, if the title of a ballot issue is identical or substantially identical to the title of another ballot issue that will appear on the same ballot, the election authority shall promptly notify the officer or entity that certifies the election of the identical or substantially identical title, and if such officer or entity submits a new title to the election authority, the election authority may change the title of the ballot issue prior to printing the official ballot."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 68, Section 115.647, Line 10, by adding at the beginning of the line "["; and further amend said bill, line 23 at the end, by adding "]""; and further delete all bold language and brackets from this section.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 50, Section 115.377, Lines 5-7, by striking all of the bold-faced language from said lines.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Flotron, **SA 6** was withdrawn.

President Pro Tem Quick assumed the Chair.

Senator Maxwell offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 78, Section 115.785, Line 5, by inserting after said line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County

Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any referendum petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. entitled (title of law), passed by the general assembly of the state of Missouri, at the regular (or special) session of the general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19]....., unless the general assembly shall designate another date, and each for himself **or herself** says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, [a Missouri registered voter and a resident of the state of Missouri,] being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) (City, CODE DIST. (Printed or

Town or Village) or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].... .

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the State of Missouri proposed by the initiative:

County

Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any initiative petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

INITIATIVE PETITION

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19]....., and each for himself **or herself** says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, [a Missouri registered voter and a resident of the state of Missouri,] being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME DATE ADDRESS ZIP CONGR. NAME

(Signature) SIGNED (Street) (City, CODE DIST. (Printed or

Town or Village) Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].... .

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.060. Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. **Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page.** Signatures of voters from counties other than the one designated by the circulator **in the upper right hand corner** on a given page shall not be counted as valid.

116.080. **1. Each petition circulator [must be a Missouri registered voter and a resident of Missouri.] shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.**

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?

YES NO;

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

4. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page [he] **such circulator** submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his **or her** official signature and affix his **or her** official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his **or her** presence.

5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who signs any name other than his own to any petition, or who knowingly signs his **or her** name more than once for the same measure for the same election, or who knows he **or she** is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.100. The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. **All pages shall be submitted at one time.** When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the number of pages presented from each county. When a person submits a petition he **or she** shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180. [No initiative petition shall be accepted by the secretary of state until 8:00 a.m. on the second Tuesday of January in even-numbered years for access to the general election ballot in those years.]

116.110. Any voter who has signed an initiative or referendum petition may withdraw his **or her** signature from that petition by submitting to the secretary of state, before the petition is [certified as sufficient or insufficient, an affidavit] **filed with the secretary of state, a sworn statement** requesting that his **or her** signature be withdrawn[. If the secretary of state receives such an affidavit before the day he certifies the petition he shall strike the signature and not count it.] **and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of state.**

116.120. 1. When an initiative or referendum petition is submitted to the secretary of state, he **or she** shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. **Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid.** The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn in such a manner that every signature **properly** filed with the secretary of state shall be given an equal opportunity to be included in the sample. **The process for establishing the random sample and determining the statistically valid result shall be established by the secretary of state.** Such a random sampling shall include an examination of five percent of the signatures.

2. If the random sample verification establishes that the number of valid signatures is less than ninety percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to have failed to qualify in that district. In finding a petition insufficient, the secretary of state does not need to verify all congressional districts on each petition submitted if verification of only one or more districts establishes the petition as insufficient.

3. If the random sample verification establishes that the number of valid signatures total more than one hundred ten percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to qualify in that district.

4. If the random sampling shows the number of valid signatures within a congressional district is within ninety to one hundred ten percent of the number of signatures of qualified voters needed to declare the petition sufficient in that district, the secretary of state shall order the examination and verification of each signature filed.

116.130. 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent [not later than two weeks after the petition is submitted if the election authority is to verify each signature and not later than three weeks after the petition is submitted if verification is to occur by random sampling as provided in section 116.120] **pursuant to the following schedule:**

(1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state;

(2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state;

(3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state.

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. **Signatures shall not be counted as valid if they have been struck through or crossed out.**

2. If the election authority is requested to verify the petition by random sampling, such verification [must] **shall** be completed and certified not later than two weeks from the date **that** the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the [eleventh] **last Tuesday in July** prior to the election, **or in the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.**

[2.] **3.** If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

[3.] **4.** The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total

number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

[4.] **5.** The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] **6.** After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions [or return them to the person submitting them upon written request from such person. Returned petitions shall be stamped by the secretary of state to indicate that such petitions are no longer valid].

116.150. 1. After the secretary of state makes [his] **a** determination on the sufficiency of the petition and if [he] **the secretary of state** finds it sufficient, [he] **the secretary of state** shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, [he] **the secretary of state** shall issue a certificate stating the reason for the insufficiency.

3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later.

116.155. 1. The general assembly may include the official summary statement and a fiscal note summary in any statewide ballot measure that it refers to the voters.

2. The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

3. The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.

116.160. 1. [After] **If** the general assembly adopts a joint resolution proposing a constitutional amendment or a bill **without a fiscal note summary**, which is to be referred to a vote of the people [and it has been delivered to the secretary of state], **after receipt of such resolution or bill** the secretary of state shall promptly forward the resolution or bill to the state auditor. **If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people**, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure **as the proposed summary statement**. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. The official summary statement shall contain no more than fifty words, **excluding articles**. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

116.170. [After] **If** the general assembly adopts a joint resolution proposing a constitutional amendment or a bill

without a fiscal note summary, which is to be referred to a vote of the people [and it has been delivered to the state auditor], the state auditor shall, within thirty days **of delivery to the auditor**, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

116.175. 1. **Except as provided in section 116.155**, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, **excluding articles**, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

116.180. Within three days after receiving the official summary statement the approved fiscal note summary and the fiscal note relating to any statewide ballot measure [from the state auditor], the secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note summary immediately following the summary statement of the measure and shall deliver a copy of the official ballot title and the fiscal note to the speaker of the house or the president pro tem of the legislative chamber that originated the measure or, in the case of initiative or referendum petitions, to the person whose name and address are designated under section 116.332. Persons circulating the petition shall affix the official ballot title to each page of the petition prior to circulation and signatures shall not be counted if the official ballot title is not affixed to the page containing such signatures.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title **prepared by the secretary of state**. When the action challenges the fiscal note or the fiscal note summary **prepared by the auditor**, the state auditor shall also be named as a party defendant. **The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.**

3. The petition shall state the reason or reasons why the official ballot title is insufficient or unfair and shall request a different official ballot title.

4. The action shall be placed at the top of the civil docket. The court shall consider the petition, hear arguments, and in its decision certify the official ballot title to the secretary of state. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section

116.240, the secretary of state shall certify the language which the court certifies to him.

116.220. The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition **or in the order in which they are passed by the general assembly**. [He] **The secretary of state** shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. **In the event a measure is labeled prior to, but not voted on at, the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people.**"; and

Further amend said bill, page 84, section 115.780, line 12, by inserting immediately after said line the following:

"Section B. Because of the immediate need to ensure proper ballot measure procedures, sections 116.030, 116.040, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.150, 116.155, 116.160, 116.170, 116.175, 116.180, 116.190 and 116.220 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 116.030, 116.040, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.150, 116.155, 116.160, 116.170, 116.175, 116.180, 116.190 and 116.220 shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 82, Section 3, Line 19, by inserting immediately after said line the following:

"Section 4. The position of director of electronic information systems within the Missouri ethics commission shall, at a minimum, have a baccalaureate degree from an accredited institution of higher education with a major in computer science, computer engineering or computer programing. In addition to the baccalaureate degree, the director shall have appropriate work experience in the field of computer science, computer engineering or computer programming. The director shall be employed pursuant to subsection 11 of section 105.955, RSMo. The director shall administer and be responsible for the establishment, implementation and maintenance of computer systems, electronic reporting and other electronic information and communication systems as may be required pursuant to the authority and requirements of the Missouri ethics commission."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 27, Section 115.158, Line 7, by inserting at the end of said line the following:

"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all

applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 11-13, Section 115.065, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 72-74, Section 115.770, Lines 25-55, by deleting the underlined material in those lines; and

Further amend page 72, by deleting the brackets on lines 12, 18 and 25.

Senator Ehlmann moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Stoll, **HCS** for **HB 676**, with **SCS**, **SS** for **SCS** and **SA 11** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 75, 381 and 204** was placed on the Informal Calendar.

SS No. 2 for **SB 336**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 336

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to contracts of personal liability insurance.

Was taken up.

On motion of Senator Caskey, **SS No. 2** for **SB 336** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks
Clay

Bentley
DePasco

Caskey
Ehlmann

Childers
Flotron

Goode	Graves	Howard	Kenney
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Bland	House	Jacob	Maxwell
Singleton	Steelman--6		
	Absent--Senators		
Johnson	Kinder--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 310**, as amended, and has taken up and passed **CCS** for **HS** for **SB 310**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HB 450**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 31** and **285**: Representatives Seigfreid, Days, Backer, Long and Hendrickson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 139**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees are allowed to exceed the differences on **SA 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 386**, entitled:

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 370.107, 374.070, 456.040, 475.092

and 511.030, RSMo 1994, and sections 143.471, 362.077, 362.275, 362.550, 362.610, 374.205, 400.3-312, 456.520, 475.093, 483.310 and 620.010, RSMo Supp. 1998, relating to financial institutions, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

With House Amendments Nos. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendments Nos. 3, 4, 5 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 1, In the title, Line 5, by deleting the word "thirty-seven" and inserting in lieu thereof the word "**twenty-six**"; and

Further amend said substitute, section A, lines 3 and 4, by deleting the word "thirty-four" and inserting in lieu thereof the word "twenty-three"; and

Further amend said section, lines 6 and 7, by deleting the following "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11," and inserting in lieu thereof the following "**1 and 2**"; and

Further amend said substitute, pages 28 through 38, by deleting the following "Sections 1 through 11".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "95.530,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the number "95.530,"; and

Further amend said bill, Page 1, Section A, Lines 3 and 4, by deleting the word "thirty-four" and inserting in lieu thereof the word "thirty-five"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately before the number "143.471," the number "95.530,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after all of said line the following:

"95.530. In all cities not within a county, the mayor, the comptroller and the treasurer shall constitute the funds committee, and the treasurer, by virtue of his office, shall serve as chairman of such committee. The committee shall annually select a bank or banks, or trust company or trust companies, or credit union or credit unions, savings and loan or savings and loans, which has its principal place of business in Missouri referred to hereafter as "listed institutions", for the current deposit of the city's funds, which in their opinion will be most commensurate with the safety thereof. The treasurer, as chairman, shall supervise the business of the committee and maintain records of committee proceedings, and shall call annual meetings or any other meeting as often as the business of the city may require. The treasurer shall be a member of any financial planning or decision making body or committee furthering the needs of the city's financial business, except the legislative and appropriating bodies. The treasurer, by virtue of his office, shall sit on any committee or group which deals with the issuance of bonds of the city or any agency or instrumentality thereof. The treasurer shall serve as the chief investment and cash management officer of the city and, as such, act as the sole investment authority on any investments of public funds held by the city or any instrumentality thereof, including funds derived from proceeds from the issuance of bonds and funds from proceeds from lease/purchase agreements. Such investments shall be made in a manner consistent with investment policies approved by the funds commission, and with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering

the probable safety of capital and income to be derived. The treasurer shall ensure the safety of all funds held by the city or any instrumentalities thereof and, upon the approval of the funds commission and reasonable notice, may assume control of any accounts not managed in compliance with state law, serve as the custodian of any funds held in such accounts and take any other measures reasonably required to ensure the preservation of public funds and compliance with applicable law. The funds commission, also known as the "funds committee", shall approve all financial institutions for any banking services required by the city pursuant to investment policies and evaluation criteria set by the treasurer and approved by the funds commission. At least once per year, the treasurer and the city's external auditors shall report to the comptroller on the city's compliance with this section. Any state or municipally created agency [or], city-wide elected officials **or any instrumentality thereof** working in cooperation with the city in the collection, management, investment or disbursement of governmental funds, shall annually report a listing of all listed institutions accounts, including a list of all pledged collateral, to the fund committee. **Any financial institution acting as a depository or custodian of public funds for any state or municipally created agency, city-wide elected official or any instrumentality thereof working in the collection, management, investment or disbursement of governmental funds shall annually report to the funds committee.** Such agencies, elected officials and [agencies] **instrumentalities** shall, during the interim period, report any change or transfer or establishment of new accounts or changes in collateral to the fund committee within ten days of doing so. **Financial institutions, when requested by the funds committee, shall verify such information.** Before any deposit shall be made by the treasurer in any listed institution, the institution shall give a bond in an amount equal to the deposit, with good and sufficient sureties, to be approved by the unanimous vote of the members of the funds committee, for the safekeeping and prompt payment of such funds, or any part thereof, when demanded by the treasurer, and shall at all times keep the sureties on such bond satisfactory to the funds committee. In lieu of or in addition to such bond, listed institutions may, with the unanimous consent of the members of the funds committee, deposit with the treasurer of such city or with some other mutually satisfactory depository in such city, in escrow, bonds or treasury certificates of the United States or other interest-bearing obligations guaranteed as to both principal and interest by the United States or agency or instrumentality thereof in accordance with the approved collateral securities maintained and approved by the state treasurer, or bonds of the state of Missouri or of any city not within a county, of a par value equal to the amount of such deposit, or any part of such deposit not protected by such bond. The securities so deposited shall, in case of default by any such listed institution, be taken possession of by the funds committee, and to the extent required to make good such default, be sold for the benefit of such city. Any securities so deposited may, with the unanimous consent of the members of the funds committee, be withdrawn, and others of equal value and amount substituted therefor. As the amount of such funds on deposit is reduced, listed institutions, when not in default, shall be permitted to withdraw the excess of collateral, except that there shall at no time be a less amount in par value of collateral than the amount at such time of deposits. The securities so deposited or any substitute therefor, shall, upon default, be exhausted before recourse shall be had against the securities upon any bond executed by listed institutions for the protection of such deposits. In lieu of or in addition to such deposit of city funds in listed institutions, the treasurer may invest funds belonging to such city and not immediately needed for the purpose to which such funds or any of them may be applicable, in [obligations of the United States government or any agency or instrumentality thereof, or bonds of the state of Missouri, any city not within a county, or time certificates of deposit, except that no such bonds or treasury certificates of the United States or bonds of the state of Missouri, any city not within a county, or time certificates of deposit shall be purchased by the treasurer at any time at a price in excess of the par value thereof] **accordance with section 15, article IV of the Missouri Constitution.** In addition, the treasurer may enter into repurchase agreements maturing and becoming payable within ninety days secured by United States Treasury obligations or obligations of the United States government agencies or instrumentalities of any maturity as provided by law."

HOUSE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 4, Section 95.530, Line 7, by inserting immediately after the word "funds" the following:

"for a city located not within a county".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Section 1, by inserting after all of said line the following:

"Section 2. Prior to implementing any plan to allow state lottery prize winners who are currently receiving annuity payments to receive a single cash payment in lieu of remaining annuity payments, the state lottery commission shall submit to the president pro tempore of the senate, the speaker of the house of representatives, and the commissioner of the office of administration the details of the plan and its estimated effect on the level of total state revenues as defined in article X, section 17 of the Missouri constitution as well as the benefits of allowing financial institutions which are FDIC-insured to participate in such plan. No such plan which permits the option of receiving a single cash payment in lieu of remaining annuity payments shall be implemented unless approved by the general assembly by concurrent resolution and submitted to the governor in accordance with the provisions of article IV, section 8 of the Missouri constitution."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 15, Section 374.070, Lines 7 and 8, by deleting the brackets from said lines.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, Page 4, Section 143.171, Line 99, by adding after all of said line the following:

"164.161. [1.] The loans authorized by sections 164.121 to 164.141 shall not be contracted for a longer period than twenty years, and the entire amount of the loans shall at no time exceed, including the present indebtedness of the district, [in] the **maximum** aggregate [ten percent] **percentage, as set forth in Article VI, Section 26(b) of the Missouri Constitution**, of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes. The rate of interest upon the bonds shall, in no case, exceed the highest legal rate allowed by contract. Before or at the time of issuing the bonds, the board of directors shall provide for the collection of an annual tax sufficient to pay the interest and principal of the bonds as they fall due, and to retire them within twenty years from date contracted.

[2. Bonds of an urban district shall be disposed of at the best price obtainable, not less than ninety-five percent of the par value thereof.]

165.051. If any school district has money in the teachers', incidental, capital projects or debt service fund not needed within a reasonable period of time for the purpose for which the money was received, the school board in the district, if it deems it advisable, may invest the funds in either open time deposits or certificates of deposit secured under the provisions of sections 110.010 and 110.020, RSMo; or in bonds, redeemable at maturity at par, of the state of Missouri, of the United States, or of any wholly owned corporation of the United States; or in other short term obligations of the United States, [including] **or in** any instrument permitted by law for the investment of state moneys. No open time deposits shall be made or bonds purchased to mature beyond the date that the funds are needed for the purpose for which they were received by the school district. Interest accruing from the investment of the surplus funds in such deposits or bonds shall be credited to the fund from which the money was invested."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 386, by repealing sections 375.1205, 375.1220, 379.316, 379.321, 379.425 and 379.888, and enacting in lieu thereof the following:

"375.1205. 1. Within one year of a final [determination of insolvency] **order of liquidation** of an insurer by a court of

competent jurisdiction of this state, the liquidator [may] **shall** make application to the court for approval of a proposal to [disburse assets out of marshaled assets, from time to time as such assets become available,] **make early access disbursements out of marshaled assets** to a guaranty association or foreign guaranty association having obligations because of such insolvency. [If the liquidator determines that there are insufficient assets to disburse, the application required by this section shall be considered satisfied by a filing by the liquidator stating the reasons for this determination.]

2. Such proposal shall at least include provisions for:

(1) Reserving amounts for the payment of expenses of administration and the payment of claims of secured creditors, to the extent of the value of the security held, and claims falling within [classes 1 and 2] **priority class I** as established in section 375.1218;

(2) **Initial** disbursement of the assets marshaled to date, **which shall be as soon as practicable and in any case not later than one hundred twenty days after the approval of the early access plan**, and subsequent disbursement of assets [as they become available] **which shall be at least annually**;

(3) [Equitable allocation of disbursements to each of the guaranty associations and foreign guaranty associations entitled thereto;

(4)] The securing by the liquidator from each of the guaranty associations or foreign guaranty associations entitled to disbursements pursuant to this section of an agreement to return to the liquidator such assets, together with income earned on assets previously disbursed, as may be required to pay claims of secured creditors and claims falling within the priorities established in [section] **sections 375.700 and 375.1218** in accordance with such priorities. [A] No bond or indemnity agreement shall be required of any such association; [and

(5)] **(4)** A full report to be made by each guaranty association or foreign guaranty association to the liquidator accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on such assets and any other matter as the court may direct[.]; and

(5) Disbursements to guaranty associations in sums as large as possible, subject to the limitations set forth in subdivision (1) of this subsection and subsection 4 of this section. If the liquidator determines that there are insufficient assets to disburse at the time of any required disbursement, the liquidator shall make application to the court, with notice to the state insurance commissioners and guaranty associations pursuant to subsection 6 of this section, for approval of an intent not to disburse, stating the reasons for such determination.

3. [The liquidator's proposal may provide for disbursements to the guaranty association or foreign guaranty associations in amounts estimated at least equal to the claims payments made or to be made thereby for which such associations could successfully assert a claim against the liquidator, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such claim payments made or to be made by the association, then disbursements shall be in the amount of available assets.] **Subject only to the provisions of subdivision (4) of subsection 2 of this section, guaranty associations shall not be charged interest on assets disbursed pursuant to this section.**

4. **The liquidator's proposal shall provide for disbursements to each guaranty association of foreign guaranty associations in amounts at least equal to the sum of claims payments and allocated lost adjustment expenses of each guaranty association, and a reasonable estimate of reserves for unpaid but known loss claims and allocated loss adjustment expenses expected to be paid within one year by each guaranty association. Amounts used for such calculation shall be those reported to the liquidator by each guaranty association in its most recent financial report to the liquidator. The liquidator's proposal shall further provide that if the assets available for required disbursements do not equal or exceed the amount of such claim payments to be made by the association, the required disbursements may be in the amount of available assets. Unless otherwise provided by the court, the reserves of the insolvent insurer, as reflected in its records or in the financial examination leading to the finding of insolvency, on the date of the final order of liquidation, shall be used to determine the initial disbursement to the guaranty associations. The liquidator shall liquidate the assets of the insurer in an**

expeditious manner, but is not required to make forced or quick sales that would result in obtaining less than market value for assets.

[4.] **5.** The liquidator's proposal shall, with respect to an insolvent insurer writing life or health insurance or annuities, provide for disbursements of assets to any guaranty association or any foreign guaranty association covering life or health insurance or annuities or to any other entity or organization reinsuring, assuming or guaranteeing policies or contracts of insurance [under] **pursuant to** the laws creating such associations.

[5.] **6.** Notice of [such] **each** application shall be given to [the] **each** guaranty association or foreign guaranty associations in and to the commissioners of the insurance departments of each of the involved states. Any such notice shall be deemed to have been given when deposited in the United States mail, certified delivery, first class postage prepaid, at least thirty days prior to submission of such application to the court. Action on the application may be taken by the court provided the above required notice has been given [and provided further that the liquidator's proposal complies with subdivisions (1) and (2) of subsection 2 of this section].

7. The liquidator shall not offset the amount to be disbursed to a guaranty association or a foreign guaranty association by the amount of any special deposit or any other statutory deposit or asset of the insolvent insurer held in this state or another state unless such deposit has been forwarded to the guaranty association.

375.1220. 1. The liquidator shall review all claims duly filed in the liquidation and shall make such further investigation as [he] **the liquidator** shall deem necessary. [He] **The liquidator** may compound, compromise or in any other manner negotiate the amount for which claims will be allowed, under the supervision of the court, except where the liquidator is required by law to accept claims as settled by any person or organization. Unresolved disputes shall be determined [under] **pursuant to** section 375.1214. No claim under a policy of insurance shall be allowed for any amount in excess of the applicable policy limits or without regard to policy deductibles.

2. If the fixing or liquidation of any claim or claims would unduly delay the administration of the liquidation or if the administrative expense of processing and adjudication of a claim or group of claims of a similar type would be unduly excessive when compared with the moneys which are estimated to be available for distribution with respect to such claim or group of claims, the determination and allowance of such claim or claims may be made by an estimate. Any such estimate shall be based upon an actuarial evaluation made with reasonable actuarial certainty or upon another accepted method of valuing claims with reasonable certainty.

3. The estimation of contingent liabilities permitted by subsection 2 of this section or any other section of this chapter may be used for the purpose of fixing a creditor's claim in the estate, and for determining the percentage of partial or final divided payments to be paid to creditors with reported allowed claims. However, nothing in subsection 2 of this section or any other section in this chapter shall be construed as authorizing the receiver, or any other entity, to compel payment from a reinsurer on the basis of estimated incurred but not reported losses and, except with respect to claims made pursuant to section 375.1212, outstanding reserves. Nothing in this subsection shall be construed to impair any obligation arising pursuant to any insurance agreement.

4. Notwithstanding the provisions of this section or any other section of this chapter to the contrary, the liquidator may negotiate a voluntary commutation and release of all obligations arising from reinsurance contracts or other agreements.

5. The provisions of this section shall not apply to and have no force and effect regarding any formal delinquency proceeding in which, prior to the effective date of this act, the court in which such proceeding was or is pending issued any order or decree construing or applying the provisions.

379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated [under] **pursuant to** sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095,

sections 379.205 to 379.310, and to insurance companies of a similar type incorporated [under] **pursuant to** the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured [under] **pursuant to** marine, as distinguished from inland marine, insurance policies;
- (3) Insurance against loss or damage to aircraft;
- (4) All forms of motor vehicle insurance; and
- (5) All forms of life, accident and health, and workers' compensation insurance.

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of the department of insurance of the policy language, policy provisions or the format of such policies, or the regulation of the rates used to calculate the amount of premium charged.

379.321. 1. Every insurer shall file with the director, except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** inland marine risks which by regulation or general custom of the business are not written according to manual rates or rating plans, every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses and the policies and forms to which such rates are applied. Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the director to accept such filings on its behalf, provided that nothing contained in section 379.017 and sections 379.316 to 379.361 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the director to accept such filings on its behalf. Filing with the director by such insurer or licensed rating organization within ten days after such manuals, rating plans or modifications thereof or policies or forms are effective shall be sufficient compliance with this section.

2. Except as to **commercial property or commercial casualty insurance as provided in subsection 6 of this section and as to** contracts or policies for inland marine risks as to which filings are not required, no insurer shall make or issue a policy or contract except [in accordance with] **pursuant to** filings which are in effect for that insurer or [in accordance with the provisions of] **pursuant to** section 379.017 and sections 379.316 to 379.361. Any rates, rating plans, rules, classifications or systems, in effect on August 13, 1972, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

3. Upon the written application of the insured, stating his **or her** reasons therefor, filed with the insurer, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

4. Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the director to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

- (1) That any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the director and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect

to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; **and**

(2) That any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the director:

(a) Requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty days after receipt of such request, either:

- a. To make such filing as a rating organization filing[, or];
- b. To make such filing on an agency basis solely on behalf of the requesting member[.]; or
- c. To decline the request of such member; and

(b) Excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

5. Any change in a filing made [under the provisions of] **pursuant to** this section during the first six months of the date [said] **such** filing becomes effective shall be approved or disapproved by the director within ten days following [his] **the director's** receipt of notice of such proposed change.

6. Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall adhere to the filing requirements of this section, provided however, that the filings for such policies shall be for informational purposes only. Therefore, all manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, shall be filed with the director for policies which meet the exemption requirements of section 379.362. Such filings shall be made with the director within thirty days after such materials are used by the insurer, but such policies and rates need not be reviewed or approved by the department of insurance as a condition of their use. Nothing in this subsection shall require the filing of individual policies or the rates related thereto where the original policy forms, manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director.

379.362. 1. Commercial property insurance and commercial casualty insurance policies shall be exempt from those provisions of sections 379.316 to 379.361, 379.420 to 379.510 and 379.888 which concern regulation by the department of policy language, policy provisions or the format of such policies, or the rates associated with such policies, for any policy for which the policyholder certifies in writing, on a certification form approved by the department, that the policyholder understands that the policy's language or the policy's rating are unregulated by the department and that the requirements of either subdivision (1) or subdivision (2) below are met:

(1) The policyholder has utilized the services of the independent insurance adviser. For purposes of this section, the term "independent insurance adviser" means a person who is qualified through education, training or experience to assess the purchaser's insurance needs and analyze the policy with or on behalf of the policyholder. Such an insurance adviser may be an employee of the policyholder or a person retained by the purchaser, provided that the independent insurance adviser shall not also be an employee of the insurer. Such an independent insurance adviser shall only be compensated for services related to the insurance transaction in question by the policyholder; or

(2) The policyholder's commercial operations meet any two of the following criteria:

- (a) One hundred or more employees;**
- (b) A net worth of over twenty-five million dollars;**
- (c) Net revenues or sales of over fifty million dollars;**

- (d) Paid aggregate annual commercial insurance premiums of over fifty thousand dollars, excluding workers' compensation and employer's liability insurance;
- (e) Is a not for profit or public entity with an annual budget or assets of at least twenty-five million dollars; or
- (f) Is a municipality with a population of over fifty thousand inhabitants.

2. An insurer writing a commercial property or commercial casualty insurance policy pursuant to subsection 1 of this section shall retain a copy of the policyholder's written certification as part of the insurer's policy records of the transaction.

3. Nothing contained in subsection 1 of this section shall be construed as exempting commercial property or commercial casualty policies which meet the requirements of subsection 1 of this section from any regulatory authority of the director of the department of insurance other than that authority related to the oversight of the policy language, policy provisions or the format of policies, or of the rates used to calculate the amount of premium charged. In particular, nothing contained in subsection 1 of this section shall limit the director's authority over excessive, inadequate or unfairly discriminatory rates.

4. The director may, by rule, require insurers providing coverage pursuant to subsection 1 of this section to retain information in such insurer's files identifying the policies providing such coverage, and to report to the department aggregate data regarding the types of such coverage written and the amounts charged for such coverage.

5. Notwithstanding the provisions of section 384.017, RSMo, commercial property or commercial casualty insurance meeting the requirements of subsection 1 of this section may be procured through a surplus lines licensee from an eligible surplus lines insurer even though the same type of coverage or quality of service is obtainable in the market from admitted insurers.

379.425. **1.** Sections 379.420 to 379.510 apply to casualty insurance, including fidelity, surety and guaranty bonds, and to all forms of motor vehicle insurance, on risks or operations in this state, except

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.460 and subsection 2 of section 379.430;

(2) Insurance against workers' compensation liability;

(3) Accident and health insurance;

(4) Insurance against loss of or damage to aircraft, or against liability, other than employers' liability, arising out of the ownership, maintenance or use of aircraft.

2. Commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of insurance of the policy language, policy provisions or the format of such policies, or regulation of the rates used to calculate the amount of premium charged.

379.888. **1.** As used in sections 379.888 to 379.893, **the following terms mean:**

(1) "'A' rated risk" [means], any insurance coverage for which rates are individually determined based upon judgment because neither a rate service organization nor the insurer has yet established a manual rate based upon experience, except that if a rate service organization or the insurer acquires sufficient experience to establish, or if the insurer itself has, a manual rate for such coverage, then such coverage shall no longer be considered an "A" rated risk for each insurer;

(2) "Base rate" [means], the rate designed to reflect the average aggregate experience of a particular market, prior to

adjustment for individual risk characteristics resulting from application of any rating plan;

(3) "Classification" [means], a grouping of insurance risks according to a classification system used by an insurer;

(4) "Classification system" [means], a schedule of classifications and a rule or set of rules used by an insurer for determining the classification applicable to an insured;

(5) "Commercial casualty insurance" [means], casualty insurance for business or nonprofit interests which is not for personal, family, or household purposes;

(6) "Director" [means], the director of the department of insurance;

(7) "Rate" [means], a monetary amount applied to the units of exposure basis assigned to a classification and used by an insurer to determine the premium for an insured;

(8) "Rating plan" [means], a rule or set of rules used by an insurer to calculate premium for an insured, and the parameter values used in such calculation, after application of classification premium rates to units of exposure; **and**

(9) "Rating system" [means], a collection of rating plans to be used by an insurer, rules for determining which rating plans are applicable to an insured, a classification system, and other rules used by an insurer for determining contractual consideration for insured.

2. Every filing of commercial casualty insurance premium rates, rating plans or rating systems by an insurer or rating organization [must] **shall** be submitted to the director for review prior to becoming effective if it produces an increase or decrease exceeding twenty-five percent annually from changes in any:

(1) Base rates;

(2) Rating basis;

(3) Rating plans;

(4) Manual rules;

(5) Territorial definitions; or

(6) Combination of such rating system components of subdivisions (1) to (5) of this subsection.

3. Nothing in this section applies to premium increases or decreases from:

(1) Change in hazard of the insured's operation;

(2) Change in magnitude of the exposure basis for the insured, including, without limitation, changes in payroll or sales; [or]

(3) "A" rated risks; **or**

(4) Commercial casualty insurance that is exempt pursuant to section 379.362.

4. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882 for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any scheduled rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured informing the insured that any inquiry by the insured concerning the change may be directed to the agent of record or directly to the insurer. When any insured makes a request for information pursuant to this subsection, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a scheduled rating credit or increase in a scheduled rating debit

which is applied to the policy. Evidence supporting the basis for any scheduled rating credit or debit shall be retained by the insurer for the policy term plus two calendar years[, in accordance with] **pursuant to** section 374.205, RSMo. The [Missouri] department of insurance shall notify commercial casualty insurers of the requirements of this section by bulletin. [The provisions of this subsection shall become effective on January 1, 1999.]

Section B. Section 375.1220.3-.5 shall terminate on December 31, 2000."; and

Further amend the title accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

CONCURRENT RESOLUTIONS

Senator Quick moved that **SCR 14**, with **HCA 1**, be taken up for adoption, which motion prevailed.

HCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Kinder--2		
	Absent with leave--Senators--None		

On motion of Senator Quick, **SCR 14**, as amended, was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Johnson	Kinder--3	
Absent with leave--Senators--None			

Senator Wiggins assumed the Chair.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 701**, with **SCS**, entitled:

An Act to repeal sections 135.205, 135.207, 135.208, 135.225 and 135.230, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof seven new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for **HS** for **HCS** for **HB 701**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 701

An Act to repeal sections 135.400, 135.411, 620.163 and 620.495, RSMo 1994, and sections 135.205, 135.207, 135.225, 135.230, 135.750, 620.1023 and 620.1039, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 701** be adopted.

Senator Mathewson offered **SS** for **SCS** for **HS** for **HCS** for **HB 701**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 701

An Act to repeal sections 135.400, 135.411, 620.163, 620.495 and 620.602, RSMo 1994, and sections 135.100, 135.205, 135.207, 135.225, 135.230, 135.750, 620.1023 and 620.1039, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof twenty-one new sections relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 701** be adopted.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 701**, with **SCS** and **SS** for **SCS** (pending) was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 31 and 285**, as amended: Senators Howard, Maxwell, Caskey, Flotron and Rohrbach.

REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HB 826**, with **SCS**; and **HS** for **HCS** for **HBs 283, 286, 325, 370, 551, 36, 42, 73, 111, 341, 619, 62 and 579**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HS for **HB 516**, with **SCS**, introduced by Representative Gaw, et al, entitled:

An Act to repeal section 143.151, RSMo 1994, relating solely to personal exemptions for individual income tax and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Jacob.

SCS for **HS** for **HB 516**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 516

An Act to repeal sections 135.333, 143.111, 143.151 and 147.010, RSMo 1994, and sections 135.326, 135.327, 135.550 and 135.600, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **HS** for **HB 516** be adopted.

Senator Jacob offered **SS** for **SCS** for **HS** for **HB 516**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 516

An Act to repeal sections 143.111, 143.151 and 147.010, RSMo 1994, and section 143.161, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof five new sections relating to the same subject.

Senator Jacob moved that **SS** for **SCS** for **HS** for **HB 516** be adopted.

Senator Westfall offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.111, Line 1, by inserting immediately before said line the following:

"135.636. 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a

credit against his or her state tax liability equal to ten percent of the amount of all real property taxes which the taxpayer has paid to this state or to any political subdivision of this state during the calendar year for which the income tax return is being filed, but not to exceed one hundred dollars for any one parcel of real property which is wholly owned by the taxpayer or by the taxpayer and the taxpayer's spouse. If the amount allowable as a credit exceeds the amount of the taxpayer's state income tax liability for the taxable year, the excess shall be considered an overpayment of income tax. The credit authorized pursuant to this section may not be claimed for the same taxable year for which the taxpayer is claiming a credit pursuant to section 135.020.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 147.010, Line 1 of said section, by inserting immediately before said line the following:

"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(4) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(5) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(6) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(7) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(8) "Research or experimentation activities", activities directed toward the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(8)] **(9)** "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(9)] **(10)** "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

[(10)] **(11)** "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020;

[(11)] **(12)** The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require;

[(12)] **(13)** "Telecommunications service", for the purpose of chapter 144, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill:

(a) Access to the Internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecom-munications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

[(13)] **(14)** "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010, RSMo.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to

the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or

secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aides, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage,

and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the

purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when

purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

- (a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or
- (b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or predominantly in research or experimentation activities."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after said line the following:

"Section 1. 1. For the purposes of encouraging an orderly and disciplined environment conducive to learning, reducing participation in gangs, preventing student altercations and violence and promoting the safety of school children, a resident shall be allowed a credit against the tax imposed by chapter 143, RSMo, pursuant to this section for expenses incurred by such resident on behalf of any dependent attending grades six through twelve for clothing required by a written dress code of a school to which a child may attend to meet the requirements of section 167.031, RSMo. The credit shall be for expenses incurred by such resident in the same taxable year for which the Missouri return is being filed.

2. The credit authorized in this section shall be an amount not to exceed two hundred dollars."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Westfall offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after said line the following:

"Section 1. 1. For the purposes of encouraging an orderly and disciplined environment conducive to learning, reducing participation in gangs, preventing student altercations and violence and promoting the safety of school children, a resident shall be allowed a credit against the tax imposed by chapter 143, RSMo, pursuant to this section for expenses incurred by such resident on behalf of any dependent attending grades six through twelve for clothing required by a written dress code of a public school to which a child may attend to meet the requirements of section 167.031, RSMo. The credit shall be for expenses incurred by such resident in the same taxable year for which the Missouri return is being filed.

2. The credit authorized in this section shall be an amount not to exceed two hundred dollars."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above substitute amendment be adopted.

Senator Ehlmann offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 1, Line 5 of said section, by inserting the word "uniform" after the first appearance of the word "a".

Senator Ehlmann moved that the above amendment be adopted.

President Wilson assumed the Chair.

At the request of Senator Ehlmann, **SA 1** to **SSA 1** for **SA 3** was withdrawn.

SSA 1 for **SA 3** was again taken up.

Senator Westfall moved that the above substitute amendment be adopted.

Senator Ehlmann requested that a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Childers, Clay, Kinder and Russell.

SSA 1 for **SA 3** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Howard	Jacob
Johnson	Mathewson	Maxwell	Russell
Sims	Stoll	Westfall-- 15	
NAYS--Senators			
Banks	Ehlmann	Flotron	Goode
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Scott	Singleton	Staples	Steelman
Wiggins	Yeckel-- 18		
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

SA 3 was again taken up.

Senator Ehlmann moved that the above amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Clay, Howard, Kenney and Steelman.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Clay	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Schneider	Scott	Steelman
Wiggins	Yeckel--14		
	NAYS--Senators		
Bland	Caskey	Childers	DePasco
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Rohrbach	Russell	Singleton	Staples
Stoll	Westfall--18		
	Absent--Senators		
Banks	Sims--2		
	Absent with leave--Senators--None		

Senator Clay offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.070, Line 9, by inserting after all of said line the following:

"Section 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies."; and further amend said section by renumbering the remaining subsections; and further amend line 10 of said section, by striking "credit" and inserting in lieu thereof **"credits"**.

And further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator DePasco announced that photographers from KOMU-TV and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Flotron offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, by inserting immediately after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or

an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; and

(c) [Except] Where **a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents, except when** it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child[, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents];

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, **and before January 1, 2000**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section Title, Line 5, by inserting after the word "subject" the following: ", with penalty provisions for a certain section and an effective date for a certain section"; and

Further amend said bill, Page 7, Section 147.010, Line 9, by inserting immediately after said line the following:

"Section 1. 1. As used in this section, the following terms mean:

- (1) "Children", dependent natural, adopted or foster children, dependent stepchildren, or dependent wards;**
- (2) "Net expenditures", only those amounts paid or incurred for child care services or irrevocably contributed to a fund established exclusively to contract for child care services rendered pursuant to a written contract with a third-party provider less any amounts received by the qualified taxpayer from any source for the provision of child care services;**
- (3) "Qualified taxpayer", an employer who makes expenditures pursuant to this section.**

2. For taxable years commencing on or after January 1, 2000, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, to the extent of ten percent of the net expenditures made directly or through a fund during a taxable year by the taxpayer in making available child care services to children of employees of the taxpayer. No credit shall be allowed for any amounts for which any other credit is claimed or allowed pursuant to chapter 143, RSMo, for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may be carried forward into a subsequent taxable year as otherwise provided by law.

4. No such credit shall be allowed:

- (1) To an employer who fails to provide subsidized child care services on a sliding scale, based on need, to parents of at least twenty-five percent of the children served by the facility for which the credit is sought;**
- (2) To an employer who unfairly discriminates among the employer's employees on the basis of race, creed, religion or national origin as a factor in making available child care services, except that, it may give a preference to children of child care dependent employees in providing services qualifying for a credit pursuant to this section; or**
- (3) For services provided by a facility which is not licensed pursuant to the provisions of sections 210.201 to 210.245, RSMo, and subject to the regulations of the department of health governing child care facilities.**

Section B. Section 1 of this act shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section 143.113, Lines 15-18, by striking all of said lines and inserting in lieu thereof the following: "**as amended, for the same taxable year, and shall only be deductible to the extent that such amounts are not deducted on the taxpayer's federal income tax return for that taxable year.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Singleton offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, In the Title, Line 4, by inserting after the word "subject" the following ", with an emergency clause for a certain section"; and

Further amend said bill, page 7, section 147.010, line 9 of said page, by inserting immediately after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects [funds] **fund**, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money

donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

- (4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;
- (5) In order to be eligible to transfer funds for paying lease purchase obligations:
 - (a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;
 - (b) Limit the term of such obligations to no more than twenty years;
 - (c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;
 - (d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and
 - (e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.
6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:
 - (1) Prior to August 28, 1993:
 - (a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;
 - (b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or
 - (c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or
 - (2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.
7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.
8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; **except that the state aid shall be deducted in equal amounts over the five school years following the school year of an unlawful transfer provided that:**
 - (1) **The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the**

provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental [fund] **funds'** unrestricted balances on June 30, 1995, exceeded eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991- 92 school year; and

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

(a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized

operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;

(b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;

(c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;

(d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.

(4) A district which makes a transfer pursuant to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.

(5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental funds to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend said bill, page 40, Section 170.059, line 3 of said page, by inserting immediately after said line the following:

"Section B. Because of the urgent need to revise state penalties for certain fund transfer violations, section 165.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after all of said line the following:

"Section 1. 1. As used in this act, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities or real property;**
 - (2) "Director", the director of the department of economic development;**
 - (3) "Scholarship charity", a charitable organization in this state that is exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code, as amended, and that allocates at least ninety percent of its annual revenue for educational scholarships to children to allow them to attend a qualified school. For purposes of this section, the phrase "qualified school" means any elementary or secondary school of a child's parents' choice which is situated in this state and does not discriminate on the basis of race, color, handicap, national origin or ancestry which a child may attend to meet the requirements of section 167.031, RSMo. To qualify as a scholarship charity the charitable organization shall provide educational scholarships to students without limiting availability to students attending a particular school and shall give preference to students of families who demonstrate financial need;**
 - (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**
 - (5) "Taxpayer", a person, firm, a partner in a firm, corporation or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**
- 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a scholarship charity. However, the tax credit shall not be allowed if the taxpayer designates the taxpayer's donation for the direct benefit of any dependent of the taxpayer.**
- 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any amount of credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**
- 4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution to a scholarship charity in such taxpayer's taxable year has a value of at least one hundred dollars.**
- 5. The director shall determine, at least annually, which charities in this state may be classified as scholarship charities. The director may require a charity seeking to be classified as a scholarship charity to whatever information is reasonably necessary to make a determination. The director shall classify a charity as a scholarship charity if such charity meets the definition set forth in subdivision (3) of subsection 1 of this section.**
- 6. The director shall establish a procedure by which a taxpayer can determine if a charity has been classified as a scholarship charity, and by which such taxpayer can then contribute to such scholarship charity and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to scholarship charities in any one fiscal year shall not exceed five million dollars.**

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all charities classified as scholarship charities. If a scholarship charity fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those scholarship charities that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on SA 9 and was joined in his request by Senators Caskey, Childers, House and Westfall.

SA 9 failed of adoption by the following vote:

YEAS--Senators			
Clay	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Schneider	Scott	Sims	Steelman
Wiggins	Yeckel--14		
NAYS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Rohrbach	Russell	Singleton
Staples	Stoll	Westfall--19	
Absent--Senator DePasco--1			
Absent with leave--Senators--None			

Senator Scott offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"33.080. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, **excluding all funds received and/or dispersed by the state in behalf of counties and cities, towns and villages** shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and the

appropriation thereof has lapsed, be transferred and placed to the credit of the ordinary revenue fund of the state by the state treasurer. Any official or any person who shall wilfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money received by the curators of the university of Missouri except those funds required by law or by instrument granting the same to be paid into the seminary fund of the state, is excepted therefrom, and in the case of other state educational institutions there is excepted therefrom, gifts or trust funds from whatever source; appropriations; gifts or grants from the federal government, private organizations and individuals; funds for or from the federal government, private organizations and individuals; funds for or from student activities; farm or housing activities; and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the above excepted funds shall be reported in detail quarterly to the governor and biennially to the general assembly.

136.110. The director of revenue shall promptly record all sums of money collected or received by him and shall immediately thereafter deposit the same with the state treasurer **excluding all funds received and/or dispersed by the state in behalf of counties and cities, towns and villages**. The state treasurer, upon receipt of any moneys from the director of revenue, shall give his receipt therefor, executing the same in triplicate, and shall deliver on copy of such receipt to the director of revenue, one copy to the commissioner of administration, and shall retain the third copy thereof in the files of the state treasurer. The books of the director of revenue shall be audited by the state auditor at such times as may be required by law, and at such other times as may be directed by the governor."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 17, Section 147.010, Line 9, by inserting after all of said section the following:

"Section 1. 1. An eligible small business, as defined in section 44 of the Internal Revenue Code, shall be allowed a credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifty percent of all eligible access expenditures exceeding the monetary cap provided by section 44 of the Internal Revenue Code. For purposes of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer in order to comply with applicable access requirements provided by the Americans With Disabilities Act of 1990, as further defined in section 44 of the Internal Revenue Code and federal rulings interpreting section 44 of the Internal Revenue Code.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any subsequent taxable year, but shall not be refunded and shall not be transferrable.

3. The director of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. This section shall become effective on January 1, 2000, and shall apply to all taxable years beginning after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section Title, Line 5, of said page, by inserting after "subject" the following: ", with an emergency clause for certain sections"; and

Further amend said bill, page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

"136.300. [In any proceeding before the director of revenue or upon review by the administrative hearing commission, the burden of proof shall be on the taxpayer except for the following issues, as to which the burden of proof shall be on the director of revenue:

(1) Whether the taxpayer has been guilty of fraud with attempt to evade tax;

(2) Whether the petitioner is liable as the transferee of property of a taxpayer (but not to show that the taxpayer was liable for the tax); and

(3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of deficiency was mailed and protest filed, unless such increase in deficiency is the result of change or correction of federal taxable income required to be reported by the taxpayer, and of which change or correction the director of revenue had no knowledge or notice at the time he mailed the notice of deficiency.] **1. With respect to any issue relevant to ascertaining the tax liability of a taxpayer all laws of the state imposing a tax shall be strictly construed against the taxing authority in favor of the taxpayer. The director of revenue shall have the burden of proof with respect to any factual issue relevant to ascertaining the liability of a taxpayer provided, however, only if:**

(1) The taxpayer has produced evidence that establishes that there is a reasonable dispute with respect to the issue; and

(2) The taxpayer has adequate records of its transactions and has cooperated with reasonable requests by the director of revenue for witnesses, information, documents, meetings and interviews.

136.303. 1. Audit findings conducted by the department of revenue shall be accompanied, upon written request by the taxpayer under audit, by a statement from the supervising auditor of the basis for such findings, including relevant statutes, regulations, case law and private letter rulings, if applicable.

2. Any taxpayer who has been determined to be an innocent spouse pursuant to section 6015 of the Internal Revenue Code and who filed a combined state income tax return for the same taxable year shall be considered an innocent spouse for state income tax purposes, and shall be accorded the same protections and relief of liability as provided under the federal law.

3. All agents and employees of the department of revenue shall be subject to the same provisions of the Fair Debt Collections Practices Act as made applicable to the Internal Revenue Service pursuant to the Internal Revenue Service Restructuring and Reform Act of 1998. A taxpayer shall have standing to bring a civil action for damages limited to the actual economic loss, subject to appropriation, against the department of revenue in the circuit court of the county in which the taxpayer resides for any collection practice which violates these provisions."; and

Further amend said bill, Pages 4-7, Section 147.010, by striking all of said lines and inserting in lieu thereof the following:

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation organized [under] **pursuant** or subject to chapter 351,

RSMo, or [under] **pursuant to** any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose [herein] contained **in this section**, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares [should exceed] **exceeds** five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred thousand dollars, and for the purposes of [this chapter] **sections 147.010 to 147.120**, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued [under] **pursuant to** chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated [above] **in this subsection** does not exceed two hundred thousand dollars shall state that fact on [a] **the annual report** form prescribed by the secretary of state. **For all taxable years beginning on or after January 1, 2000, the annual franchise tax shall be equal to one-fortieth of one percent of the par value of the corporation's outstanding shares and surplus on the outstanding shares and surplus which exceeds one million dollars. Any corporation whose outstanding shares and surplus does not exceed one million dollars shall state that fact on the prescribed form.**

2. For all taxable years beginning on or after January 1, 2000, any corporation owning franchise tax may deduct an amount equal to the tax due up to five hundred dollars from the amount of franchise tax owed for that taxable year.

3. [This law] Sections 147.010 to 147.120 shall not apply to corporations not organized for profit, nor to corporations organized [under] pursuant to the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized under any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, nor to any mutual insurance corporation not having shares, nor to a company or association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators or assigns of the deceased member, nor to foreign life, fire, accident, surety, liability, steam boiler, tornado, health or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state, nor to savings and loan associations and domestic and foreign regulated investment companies as defined by section 170 of the act of Congress commonly known as the "Revenue Act of 1942", nor to electric and telephone corporations organized [under chapters] pursuant to chapter 351, RSMo, and chapter 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations [under] pursuant to section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible [under] pursuant to the provisions of [this chapter] sections 147.010 to 147.120.

[3.] 4. A corporation's "taxable year" for purposes of [this chapter] sections 147.010 to 147.020 shall be its taxable year as provided in section 143.271, RSMo.

[4.] 5. A corporation's "transitional year" for the purposes of [this chapter] sections 147.010 to 147.020 shall be its taxable year which includes parts of each of the years 1979 and 1980.

[5.] 6. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980,

and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed [under] **pursuant to** regulations prescribed by the [secretary of state] **director of revenue**.

[6.] **7.** All franchise reports and franchise taxes shall be returned to the [secretary of state who shall transfer such taxes to the director of revenue] **director of revenue**. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

[7.] **8. Pursuant to** section 32.057, RSMo, [shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state] **the director of revenue** shall maintain the confidentiality of all franchise tax reports returned to [him. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality] **the director**.

9. The director of the department of revenue shall honor all existing agreements between taxpayers and the director of the department of revenue.

147.020. 1. For each taxable year beginning on or after January 1, 1980, every corporation liable to the tax prescribed in section 147.010 shall make a report in writing showing the financial condition of the corporation at the beginning of business on the first day of its taxable year to the [secretary of state] **director of revenue** annually on or before the [fifteenth day of the fourth month of the corporation's taxable year] **due date of the corporation's state income tax return as set forth in chapter 143, RSMo**, in such form as the [secretary of state] **director of revenue** may prescribe. The report shall be signed by an officer of the corporation.

2. For each taxable year beginning on or after January 1, 1980, if a corporation [shall obtain] **obtains** an extension of time for filing its annual Missouri income tax return pursuant to section 143.551, RSMo, such corporation [will] **shall** also be granted a corresponding extension of time for filing the report required [under this chapter] **pursuant to sections 147.010 to 147.020** for its taxable year immediately succeeding the taxable year for which the income tax extension is granted. [At the time the corporation files its annual corporate report, it shall inform the secretary of state in writing of such extension.]

3. Every corporation having a transitional year liable for the tax prescribed in section 147.010 shall make a report in writing, showing the financial condition of the corporation at the beginning of business on the first day of its transitional year, on or before April 15, 1980, in such form as the director may prescribe. The report shall be signed by an officer of the corporation.

147.030. 1. For each taxable year beginning on or after January 1, 1980, the franchise tax provided for in this chapter shall be paid on or before the [fifteenth day of the fourth month of the corporation's taxable year] **due date of the corporation's state income tax return as set forth in chapter 143, RSMo**.

2. For each taxable year beginning on or after January 1, 1980, if a corporation shall obtain an extension of time for paying its annual Missouri income tax pursuant to section 143.551, RSMo, such corporation will also be granted a corresponding extension of time for paying the franchise tax due under this chapter for its taxable year immediately succeeding the taxable year for which the income tax extension is granted.

3. If the time for filing the franchise tax report is extended under section 147.020, but the time for payment of the franchise tax is not extended under this section, the corporation shall pay, [on or before the fifteenth day of the fourth month of its taxable year] **by the due date as prescribed in this section**, the amount properly estimated as its franchise tax for the taxable year.

4. Every corporation having a transitional year shall pay the franchise tax provided for in this chapter on or before the fifteenth day of April 1980.

147.040. 1. As soon as practical after a corporation's franchise tax report is filed, the [secretary of state] **director of revenue** shall examine it to determine the correct amount of tax based upon the facts contained in the report or upon any information within [his] **the director's** possession or that may come into [his] **the director's** possession. [The

director of revenue may provide any additional information to the secretary of state for the purpose of determining the correct tax and that additional information shall be kept confidential pursuant to section 147.010.]

2. In the event that the amount of tax is understated on a corporation's franchise tax report, the [secretary of state] **director of revenue** shall notify the corporation that an amount of tax in excess of that shown on the return is due and has been assessed. Such assessment shall be final unless the corporation files a protest with the [secretary of state] **director of revenue**, setting forth the grounds on which the protest is based, within [thirty] **sixty** days from the date the notice of assessment was mailed to the corporation.

3. If a protest is filed, the [secretary of state] **director of revenue** shall reconsider the assessment, and, if the corporation has so requested, shall grant the corporation a hearing within ninety days after the protest is filed unless extended by agreement between the corporation and the [secretary of state] **director of revenue**.

4. Notice of the [secretary of state's] **director of revenue's** determination shall be mailed to the corporation by certified or registered mail and such notice shall set forth briefly the [secretary of state's] **director of revenue's** findings of fact and the basis of decision in each case decided in whole or in part adversely to the corporation.

5. The action of the [secretary of state] **director of revenue** on the corporation's protest is final upon the expiration of thirty days from the date when [he] **the director** mails notice of [his] **the director's** action to the corporation unless within this period the corporation seeks review of the [secretary of state's] **director of revenue's** determination by the administrative hearing commission.

6. In the event that the amount of tax is overstated on a corporation's franchise tax report, the [secretary of state] **director of revenue** shall notify the corporation that the tax paid is more than the correct amount and credit such overpayment against any tax, interest, **additions to tax** or penalties due from such corporation and refund the difference.

7. No assessment or refund shall be made unless the amount exceeds [one dollar] **ten dollars**.

8. If any corporation subject to the provisions of [this chapter shall fail or neglect] **sections 147.010 to 147.020 fails or neglects** to make the report required by sections 147.010 to 147.120 or pay its franchise taxes within ninety days after the time required by sections 147.010 to 147.120 (determined with regard to any extension of time for filing its franchise tax report or for the payment of its franchise tax), such corporation, if organized [under] **pursuant to** the laws of this state, shall be administratively dissolved [under] **pursuant to** the provisions of sections 351.484 and 351.486, RSMo, or if a foreign corporation, shall have its certificate of authority revoked [under] **pursuant to** the provisions of sections 351.598 and 351.602, RSMo.

147.050. 1. For each taxable year beginning on or after January 1, 1980, every corporation organized [under] **pursuant to** any laws of this state and every foreign corporation engaged in business in this state and having no shares shall make a report in writing to the [secretary of state] **director of revenue**, annually, on or before the fifteenth day of the fourth month of the corporation's taxable year, in the form as the [secretary of state] **director of revenue** may prescribe.

2. The report shall be signed by an officer of the corporation, and forwarded to the [secretary of state; provided, that all state, district, county, town and farmers' mutual companies now organized or that may be hereafter organized under any of the laws of this state, organized for the sole purpose of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and mutual automobile insurance and for the purpose of paying any loss incurred by any member by assessment, shall not be required to make reports and shall be exempt from all the provisions of this section and chapter and shall not be required to pay any fees as in this chapter provided] **director of revenue**.

3. Every corporation having a transitional year and coming under the provisions of this section shall make the report required [hereunder] **in this section** on or before the fifteenth day of April, 1980.

[147.070. 1. Every corporation organized as a mutual insurance corporation not having shares, or any other corporation not organized strictly for religious, charitable or educational purposes and having no shares or of a company or

association organized to transact business of life or accident insurance on the assessment plan for the purpose of mutual protection and benefit to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators or assigns of the deceased member thereof shall in addition to filing the report prescribed in section 147.050 pay an annual fee of twenty-five dollars.

2. All foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or other kind of insurance company of whatever nature coming within the provisions of section 147.050 and doing business in this state having outstanding shares with stated capital of less than five hundred thousand dollars shall pay an annual fee of fifty dollars, and all other such insurance companies having outstanding shares with stated capital of more than five hundred thousand dollars an annual fee of one hundred dollars for the privilege of doing business in this state, and all savings and loan associations and domestic and foreign regulated investment companies as defined by section 170 of the act of Congress commonly known as the "Revenue Act of 1942", as now existing or hereafter amended, to pay an annual fee to the state of twenty-five dollars for the privilege of doing business in this state in place of the fee based on the outstanding shares and surplus as herein provided.

3. For each taxable year beginning on or after January 1, 1980, any corporation coming under the provisions of this section shall pay the fee stipulated hereunder on or before the fifteenth day of the fourth month of the corporation's taxable year.

4. Every corporation having a transitional year and coming under the provisions of this section shall compute the fee due hereunder as provided in subsection 6 of section 147.010 and pay such fee on or before the fifteenth day of April 1980.]

[147.080. All insurance companies, savings and loan associations, and other corporations, the fees of which are fixed at lump sums by this chapter, shall not be required to set out in the report required by this chapter, the value of its property within this state or without this state.]

147.100. If any corporation fails or refuses to make full and complete answers to the questions contained in the report required to be filed by it, or if the director of revenue [or secretary of state] finds that any answer contained in such report is untrue, or if the director [or secretary of state] has reason to believe that any corporation has made a false statement or concealed any facts which are material in determining the amount of tax for which such corporation is liable [under] **pursuant to** the provisions of [this chapter] **sections 147.010 to 147.020**, then the director [or secretary of state] may require the delinquent corporation, its officers, agents, or employees to furnish information concerning its shares which is necessary in determining the tax to be paid by it. Any corporation may seek a review of the determination of the tax due by the administrative hearing commission.

147.120. 1. If any corporation fails or refuses to pay the taxes (including interest and penalties) assessed against it after such assessment becomes final, the [secretary of state] **director of revenue** shall certify a list of the corporations so delinquent to the attorney general who shall proceed forthwith to collect the same. Suits for the collection of the taxes may be brought in the name of the state in any court of competent jurisdiction and any judgment rendered [therein] **in such court** in favor of the state shall be a first lien on all properties and assets of the corporation within this state.

2. **The director of revenue shall notify the secretary of state of any corporation that fails to refuses to pay the taxes, including interest and penalties, assessed against it after such assessment becomes final and the secretary of state shall then undertake to administratively dissolve any domestic corporation that is delinquent pursuant to section 351.486, RSMo, and shall undertake to revoke the certificate of authority of any foreign corporation that is delinquent pursuant to section 351.602, RSMo.**

3. Any tax provided for [under] **pursuant to** sections 147.010 to 147.120 not paid on or before the last day prescribed for payment [under] **pursuant to** sections 147.010 to 147.120 (determined with regard to any extension of time for payment) shall be collected with a penalty of five percent per month or fractional part thereof until paid, not exceeding twenty-five percent in the aggregate. Interest at the rate determined by section 32.065, RSMo, shall be added to any tax not paid on or before the date due [under] **pursuant to** sections 147.010 to 147.120 (determined without regard to any extension of time for payment). Nothing in sections 147.010 to 147.120 shall be construed so as to permit any officer of this state to remit or abate such interest.

[3.] **4.** If any corporation fails to pay any tax due within the time prescribed [under] **pursuant to** sections 147.010 to 147.120 or if any corporation makes errors and omissions in reports or payments, and the [secretary of state] **director of revenue** determines that such action is the result of mistake or is due to circumstances beyond reasonable control and that such delinquency or inaccuracy was unavoidable or devoid of any intent to evade the tax, the [secretary of state] **director of revenue** may, at [his] **the director's** discretion, waive any penalty that would otherwise be imposed.

[4. On the first business day in January each year, the state treasurer shall certify to the secretary of state the average auction yield on one-year United States treasury bills during the preceding twelve months. This] **5. The director of revenue shall set the interest rate as determined in section 32.065, RSMo. Such** interest rate shall be paid on all overpayments for the ensuing calendar year. The interest shall accrue from the due date or the date of overpayment, whichever is later. No interest shall be allowed or paid if overpayment is refunded within four months after the franchise tax report is filed.

[5.] **6.** Any notice of assessment of franchise tax due shall be mailed to the corporation within three years after the report was filed. The provisions of this subsection shall apply to all reports filed after December 31, 1981.

[6.] **7.** If no report is filed or if a false and fraudulent report is filed, a notice of assessment of franchise tax due may be mailed to the corporation at any time.

[7.] **8.** If fraud or evasion on the part of a corporation or anyone on behalf of a corporation is discovered, the [secretary of state] **director of revenue** shall determine the amount of which the state has been defrauded, shall add to the amount so determined a penalty equal to [twenty-five] **fifty** percent thereof, and shall assess the same against the corporation. The amount so assessed shall be immediately due and payable; except that, the [secretary of state] **director of revenue** shall promptly thereafter give to such corporation written notice of such assessment and penalty, which notice shall be served by registered mail. Such corporation shall have the right to petition for hearing of such assessment, as is provided in sections 147.010 to 147.120.

[8.] **9.** Any person who willfully makes a false corporation franchise tax report, or who willfully makes a false statement in any report under oath or otherwise filed with or transmitted to the [secretary of state] **director of revenue** relating to the amount of any franchise tax due [under] **pursuant to** sections 147.010 to 147.120 shall, in addition to other penalties provided by law and upon conviction thereof, be fined not more than ten thousand dollars, or be imprisoned in the county jail for not more than one year or by not less than two nor more than five years in the state penitentiary or by both fine and imprisonment together with the cost of prosecution.

[9.] **10.** The [secretary of state] **director of revenue** shall administer and enforce the tax imposed by sections 147.010 to 147.120, and [he] **the director** is authorized to make such rules and regulations and to require such facts and information to be reported as [he] **the director** may deem necessary to enforce the provisions of sections 147.010 to 147.120.

[10.] **11.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of sections 147.010 to 147.120 shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536, RSMo.**

12. Except as otherwise specifically provided in sections 147.010 to 147.120, the franchise tax shall be administered as prescribed in the following provisions of chapter 143, RSMo: subsections 1 and 4 of section 143.551, RSMo, sections 143.561, 143.571, 143.621, 143.631, 143.641, 143.651, 143.661, 143.681, 143.691, 143.721 and 143.731, RSMo, subsection 1 of section 143.741, RSMo, subsections 1, 2 and 5 of section 143.751, RSMo, sections 143.771 and 143.791, RSMo, subsections 1, 2 and 4 of section 143.811, RSMo, sections 143.831, 143.841 and 143.851, RSMo, subsections 2 and 3 of section 143.861, RSMo, and sections 143.901, 143.902, 143.971 and 143.986, RSMo.

351.120. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this

state, shall file an annual corporation registration report [simultaneously with the corporation's franchise tax report] stating its corporate name, the name of its registered agent and such agent's Missouri address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters. The annual corporation registration report shall be due on the date that the corporation's franchise tax report is due as required in section 147.020, RSMo, or within thirty days of the date of incorporation of the corporation; but any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report.

351.484. The secretary of state may commence a proceeding [under] **pursuant to** section 351.486 to dissolve a corporation administratively if:

- (1) The corporation [does not pay any franchise taxes or penalties imposed by this chapter within thirty days after such taxes or penalties are due] **fails to pay any final assessment of Missouri corporation franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;**
- (2) The corporation does not deliver its annual report to the secretary of state within thirty days after it is due;
- (3) The corporation is without a registered agent or registered office in this state for thirty days or more;
- (4) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;
- (5) The corporation's period of duration stated in its articles of incorporation expires;
- (6) The corporation procures its franchise through fraud practiced upon the state;
- (7) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same [shall have] **has** been delivered by the secretary of state to the corporation, either personally or by mail;
- (8) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or
- (9) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

351.598. The secretary of state may commence a proceeding [under] **pursuant to** section 351.602 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

- (1) The foreign corporation does not deliver its annual report to the secretary of state within thirty days after it is due;
- (2) The foreign corporation [does not pay within thirty days after they are due any franchise taxes or penalties imposed by this chapter] **fails to pay any final assessment of Missouri corporation franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;**
- (3) The foreign corporation is without a registered agent or registered office in this state for thirty days or more;
- (4) The foreign corporation does not inform the secretary of state [under] **pursuant to** section 351.588 or 351.592 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within thirty days of the change, resignation, or discontinuance;
- (5) An incorporator, director, officer, or agent of the foreign corporation signed a document [he] **the person** knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(6) The secretary of state receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or has disappeared as the result of a merger;

(7) The foreign corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

(8) The foreign corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure."; and

Further amend said bill, Page 7, Section 147.010, Line 9, by inserting after all of said line the following:

"Section B. Because immediate action is necessary in order to reform the law governing the franchise tax on corporations doing business in this state, sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.100, 147.120, 351.484, 351.120 and 351.598 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.100, 147.120, 351.484, 351.120 and 351.598 of this act shall be in full force and effect upon its passage and approval."; and

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill 516, Section 147.010, Pages 4, 5, 6 and 7, by striking said section from the bill, and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 12** is out of order as it exceeds the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Johnson assumed the Chair.

SA 12 was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

"144.051. 1. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and from the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, RSMo, and under any local sales tax law, as defined in section 32.085, RSMo, any equipment purchased by a federally licensed commercial or public broadcast station when such equipment purchase is made as a result of federal mandate and the technological change that results. This exemption does not apply to replacement of equipment necessitated by a result of use or equipment replaced due to damage or theft.

2. As used in this section, the following terms mean:

(1) "Broadcast equipment", such equipment as may be necessary for the broadcast station to fulfill those

obligations as set forth under federal guidelines;

(2) "Federal mandate", any action of the congress of the United States or any federal regulatory agency having jurisdiction with regard to broadcast stations when such action requires broadcasters to alter methods of operation;

(3) "Federally licensed broadcast station", any enterprise, either commercial or non-commercial, which operates under a license granted by the Federal Communications Commission for the purpose of the free distribution of audio and/or video services when such distribution occurs by means of transmission over the public airwaves;

(4) "Technological change", those changes in the design and methods of operation of broadcast equipment which would, by virtue of these changes, require the implementation and/or installation of replacement equipment and the updating of existing equipment."; and further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by adding the following:

"Section 1. A credit shall be allowed against the tax otherwise due by any entity which is at least fifty-one percent owned by a Missouri family or families for equipment, machinery and components thereof used in the harvesting and production of timber and wood products including transportation equipment provided such transportation equipment does not provide in excess of ten percent of the gross revenue of such entity. Such credit shall not exceed fifty percent of the amount paid in sales or use tax to the State of Missouri or five thousand dollars whichever is the lesser amount. The total amount of tax credits available to these entities shall not exceed five hundred thousand dollars in a fiscal year. Should the total tax credits requested exceed five hundred thousand dollars then the percentage allowed shall be pro-rated to reflect such limitations."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Section A, Line 5, by inserting after said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for profit agribusiness associations;**

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5, of said page, by inserting immediately after said line the following:

"137.073. 1. As used in this section, the following terms mean:

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year under subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue under this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes under chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax under section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books, the county clerk in all counties and the

assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation, exclusive of new construction and improvements. All political subdivisions shall immediately revise the rates of levy for each purpose for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth within the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court under sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates under this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the consumer price index for all urban consumers for the United States, or its

successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, under the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated under section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established under this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority under any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated under this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall examine such information and return to the county clerk his findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. The county clerk shall forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The auditor's findings are advisory for the information of the taxing authority and the public.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this

section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action under this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained under this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him from the class if he so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he desires, enter an appearance. In any class action brought under this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his taxes when an improper rate is applied has erroneously paid his taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds under this subsection. No taxpayer shall receive any interest on any money erroneously paid by him under this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state auditor. The state auditor shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

"143.021. **1.** Every resident having a taxable income of less than nine thousand dollars shall determine his tax from a tax table prescribed by the director of revenue and based upon the rates provided in section 143.011. The tax table shall be on the basis of one hundred dollar increments of taxable income below nine thousand dollars. The tax provided in the table shall be the amount rounded to the nearest whole dollar by applying the rates in section 143.011 to the taxable income at the midpoint of each increment, except there shall be no tax on a taxable income of less than one hundred dollars. Every resident having a taxable income of nine thousand dollars or more shall determine his tax from the rate provided in section 143.011.

2. For every calendar year beginning on or after January 1, 2000, the director of the department of revenue

shall adjust the levels of Missouri taxable income as provided in section 143.011 to reflect the change in the consumer price index for all urban consumers of the United States, as reported by the United States Department of Labor, for the immediately preceding calendar year. The adjusted levels of Missouri taxable income shall then be used by the director of the department of revenue to compile the tax table to be used for the taxable year in which the adjustment is made by the director of the department of revenue. The director of the department of revenue may promulgate such rules or regulation as are necessary to implement the provisions of this section. No rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill 516, Page 4, Section 143.161, Line 5, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, **but before December 31, 1998**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, a corporate taxpayer shall be allowed a deduction for sixty-seven percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, a corporate taxpayer shall be allowed a deduction of eighty-three percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, a corporate taxpayer shall be allowed a full deduction for its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this**

subsection.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Kenney offered **SA 19:**

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.171, Line 5, by inserting at the end of said line the following: **"3. For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed fifteen thousand dollars on a single taxpayer's return or thirty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, but before December 31, 2001, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection. Nothing in this subsection shall be construed to reduce the amount of funds transferred by the state treasurer to the outstanding schools trust fund pursuant to subsection 3 of section 160.500, RSMo."**

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 20:**

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill 516, Page 1, Section A, Line 5, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

(5) "Unplanned pregnancy resource center", a nonresidential facility:

(a) Located in this state and established for the purpose of providing assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed and little or no birth control services are provided; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides most of its services at no cost; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

In cases where two or more unplanned pregnancy resource centers are controlled by the same corporate entity and more than one-half of the annual income of each such center is derived from common fund-raising efforts which benefit all such centers controlled by the same corporate entity, the director shall make one equal apportionment to the corporate entity and not separate equal apportionments to each facility classified as an unplanned pregnancy resource center and controlled by the same corporate entity. However, for purposes of informing taxpayers of which facilities have been classified as unplanned pregnancy resource centers pursuant to subsection 6 of this section, the director may list separately each unplanned pregnancy resource center controlled by the same corporate entity.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the

definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.

9. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 21:**

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after all of said line the following: "351.025. 1. Any existing corporation heretofore organized for profit under any special law of this state may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares.

2. Any health services corporation organized as a not for profit corporation pursuant to chapter 354, RSMo, that has complied with the provisions of section 354.065, RSMo, may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares, if any.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [1999] **2000**.

354.065. 1. A corporation may amend its articles of incorporation from time to time in the manner provided in chapter 355, RSMo, and shall file a duly certified copy of its certificate of amendment with the director of insurance within twenty days after the issuance of the certificate of amendment by the secretary of state. Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

2. A health services corporation organized as a not for profit corporation under this chapter may amend its articles in the manner provided in chapter 355, RSMo, to change its status to that of a for profit business corporation and accept the provisions of chapter 351, RSMo, by:

(1) Adopting a resolution amending its articles of incorporation or articles of agreement so as:

(a) To eliminate any purpose, power or other provision thereof not authorized to be set forth in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(b) To set forth any provision authorized pursuant to chapter 351, RSMo, to be inserted in the articles of incorporation of corporations organized pursuant to chapter 351, RSMo, which the corporation chooses to insert therein and the material and information required to be set forth pursuant to chapter 351, RSMo, in the original articles of incorporation of corporations organized pursuant to chapter 351, RSMo;

(2) Adopting a resolution accepting all of the provisions of chapter 351, RSMo, and providing that such corporation shall for all purposes be thenceforth deemed to be a corporation organized pursuant to chapter 351, RSMo;

(3) By filing with the secretary of state a certificate of acceptance of chapter 351, RSMo;

(4) By complying with the provisions of sections 355.616 and 355.621, RSMo, to the extent those sections would apply if such health services corporation were merging with a domestic business corporation with the proposed amended articles of incorporation serving as the proposed plan of merger.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, [1999] **2000.**"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

"144.518. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, and sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, section 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, sections

144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of commercial, coin-operated amusement and vending machines."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsection [3] **4** of this section, where any article **on which sales or use tax has been paid, credited or otherwise satisfied or which was exempted or excluded from sales or use tax** is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. **For the purpose of determining sales or use tax liability, a purchaser of a motor vehicle, trailer, boat or outboard motor shall not be allowed to deduct from the purchase price of the motor vehicle, trailer, boat or outboard motor the actual allowance of any article other than a motor vehicle, trailer, boat or outboard motor traded or exchanged as a credit or partial payment for such item.** Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of a properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Last Page, Section 1, by adding at the end of the bill the following:

"Section 1. Each taxpayer shall receive a tax credit of \$2.00 for each \$1.00 paid in taxes to the state of Missouri."

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section 143.113, Line 26, by inserting immediately after said line the following:

"143.141. If federal taxable income of a resident individual is determined by itemizing deductions from his federal adjusted gross income, he may elect to deduct his Missouri itemized deduction in lieu of his Missouri standard deduction. The Missouri itemized deduction of a resident individual means the allowable federal itemized deductions which consist of allowable federal deductions other than those allowable in arriving at federal adjusted gross income and other than the federal deductions for personal and dependency exemptions, with the following modifications:

(1) Reduced by the proportional amount thereof representing the tax imposed by sections 143.011 to 143.998, **except for any amount attributable to the taxation of refunds received pursuant to article X, Section 18 of the Missouri Constitution**;

(2) Reduced by the proportional amount thereof representing any income taxes imposed by another state of the United States or a political subdivision thereof or the District of Columbia;

(3) Increased by the fair market value of a literary, musical, scholarly, or artistic composition contributed to any tax exempt agency or institution which is operated on a not for profit basis by any taxpayer whose personal efforts created such composition less the amount deducted from federal adjusted gross income attributable to such contribution. The fair market value of such literary, musical, scholarly or artistic composition shall be determined by written appraisal of the property by a person qualified to make such an appraisal other than the taxpayer, the donee, or any "related taxpayer" within the meaning of such term as defined by sections 267(b) and 1313(c) of the Internal Revenue Code, as amended. The appraisal shall be made within one year of the date of the donation and attached to the taxpayer's income tax return;

(4) Increased to the extent not otherwise deductible, by the taxes for the same taxable year for which the return is being filed that are imposed by the following provisions of the Internal Revenue Code:

(a) Section 3101, relating to the tax on employees under the Federal Insurance Contributions Act;

(b) Sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Tax Act;

(c) Section 1401, relating to tax on self-employment income, to the extent that such taxes were not deducted in the computation of the taxpayer's federal adjusted gross income under the Internal Revenue Code of 1986, as amended."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 4, Section 143.161, Line 5, by inserting immediately after said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. For every calendar year beginning on or after January 1, 2000, the director of the department of revenue shall adjust the dollars amounts allowed pursuant to subsection 2 of this section to reflect the change in the consumer price index for all urban consumers of the United States, as reported by the United States Department of Labor, for the immediately preceding calendar year. The adjusted dollar amounts shall be allowed as a maximum deduction by an individual for his federal income tax liability for the taxable year in which the adjustment is made by the director of the department of revenue. The director of the department of revenue may promulgate such rules or regulation as are necessary to implement the provisions of this section. No rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7,

Section 147.010, Line 9 of said page, by inserting immediately after said line the following:

"Section 1. 1. Notwithstanding any other provision of law to the contrary, any person not required to file a federal income tax return pursuant to section 6012 of the Internal Revenue Code, as amended, shall not be required to file a Missouri income tax return pursuant to chapter 143, RSMo, and no tax shall be imposed pursuant to chapter 143, RSMo, on the Missouri taxable income of such person.

2. Nothing in this section shall be construed to prevent a person who wishes to file a Missouri income tax return pursuant to chapter 143, RSMo, from filing such return.

3. This section shall apply to a taxable years beginning after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Line 4, by inserting after all of said line the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, **a maximum of** the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, **a maximum of** the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and **a maximum of** the first

three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and **a maximum of** the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and **a maximum of** the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and **a maximum of** the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. **A taxpayer shall be entitled to the maximum exemption provided by this subsection:**

- (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or
- (2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or
- (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. [To determine the maximum Missouri adjusted gross income limits referenced in] **If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.**

5. For purposes of this section, any Social Security benefits **otherwise** included in Missouri adjusted gross income shall be subtracted[.]; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

[5.] **6.** The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

[6.] **7.** The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

[7.] **8.** The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.".; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 3, Section 143.151, Lines 4-9, by striking all of said lines and inserting in lieu thereof the following:

"exemptions for federal income tax purposes. **For all taxable years beginning on or after January 1, 1999, but**

before January 1, 2000, a resident shall be allowed a deduction of one thousand eight hundred dollars for himself and one thousand eight hundred dollars for his spouse if he is entitled to a deduction for such personal exemptions for federal income tax purposes. For all taxable years beginning on or after January 1, 2000, but before January 1, 2001, a resident shall be allowed a deduction of one thousand nine hundred dollars for himself and one thousand nine hundred dollars for his spouse if he is entitled to a deduction for such personal exemptions for federal income tax purposes. For all taxable years beginning on or after January 1, 2001, a resident shall be allowed a deduction of two thousand dollars for himself and two thousand dollars for his spouse if he is entitled to a deduction for such personal exemptions for federal income tax purposes.".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Klarich, Maxwell, Rohrbach and Singleton.

SA 29 failed of adoption by the following vote:

	YEAS--Senators		
Banks	Childers	Clay	DePasco
Flotron	Kinder	Klarich	Maxwell
Schneider	Scott	Staples	Yeckel--12
	NAYS--Senators		
Bentley	Bland	Caskey	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Mathewson
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins--22		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Maxwell offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.111, Line 6, by inserting immediately before said line the following:

"135.760. 1. For all taxable years beginning on or after January 1, 1999, a resident taxpayer shall be allowed a tax credit against the tax otherwise due under chapter 143, RSMo, in an amount equal to ten percent of the amount which the taxpayer has claimed as an earned income credit pursuant to section 32 of the Internal Revenue Code for that taxable year. Any amount of the credit taken which exceeds the tax due shall be refunded to the taxpayer.

2. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by inserting after said line the following:

"Section 1. In addition to any deduction already authorized by law, for all taxable years beginning after December 31, 1999, an individual or corporate taxpayer may deduct from such taxpayer's Missouri taxable income an amount equal to one hundred percent of all admission fees charged for hunting or taking of domestically raised pheasant, partridge, quail and ungulates on licensed shooting areas permitted by the Missouri department of conservation, and all feed and equipment used in the domestic production of pheasant, partridge, quail and ungulates by holders of a class I wildlife breeders permit issued by the Missouri department of conservation."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

At the request of Senator Jacob, **HS** for **HB 516**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

HB 541, introduced by Representative Kreider, et al, entitled:

An Act to amend chapter 262, RSMo, relating to promotion of agriculture and horticulture by adding thereto four new sections relating to the southern dairy compact, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 541** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators			
Flotron	Rohrbach--2		
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 139**, as amended, and grant the House a conference thereon and further that the conferees be allowed to exceed the differences on **SA 6** and in the definition of population as it appears in the **HCS**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 139**, as amended: Senators Johnson, Wiggins, Stoll, Russell and Westfall.

PRIVILEGED MOTIONS

Senator Banks, on behalf of the conference committee appointed to act with a like committee from the House on **SB 76**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 76

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 76, with House Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on Senate Bill No. 76, with House Amendments Nos. 1, 2, 3 and 4; and
- 2. That Senate Bill No. 76 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ J. B. Banks
/s/ William Clay
/s/ Joe Maxwell
/s/ Sam Graves
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ O. L. Shelton
/s/ Derio L. Gambaro
/s/ Paula J. Carter
/s/ Chuck Gross
/s/ Jon Bennett

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Staples--2		
Absent with leave--Senators--None			

On motion of Senator Banks, **SB 76** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach
Russell	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Mathewson	Quick	Schneider
Sims	Staples--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 450**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Clay moved that **SCS** for **SB 386**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 386**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 386

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 370.107, 374.070, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.077, 362.275, 362.550, 362.610, 374.205, 400.3-312, 456.520, 475.093, 483.310 and 620.010, RSMo Supp. 1998, relating to financial institutions, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Was taken up.

Senator Mathewson assumed the Chair.

Senator Clay moved that **HCS** for **SCS** for **SB 386**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Bland--1		
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

On motion of Senator Clay, **HCS** for **SCS** for **SB 386**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Goode--1		
	Absent with leave--Senators--None		

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 450**, as amended: Senators Maxwell, Quick, Goode, Graves and Yeckel.

PRIVILEGED MOTIONS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 31** and **285**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 31 and 285

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 31 and 285; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285 be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Jerry Howard	/s/ Jim Seigfreid
/s/ Harold Caskey	/s/ Rita Days
/s/ Joe Maxwell	/s/ Gracia Backer
/s/ Franc Flotron	/s/ Beth Long
/s/ Larry Rohrbach	/s/ Carl Hendrickson

Senator Howard moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Howard, **CCS No. 2** for **HCS** for **SCS** for **SBs 31** and **285**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

NO. 2 FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 31 and 285

An Act to repeal sections 105.473, 105.955, 105.963, 130.031, 130.036, 130.046, 130.050, 130.056, 130.057 and 130.110, RSMo Supp. 1998, and both versions of section 130.041, as they appear in RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 20**, entitled:

An Act to repeal sections 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to community improvement, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5 and 7.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, Page 52, Section 1, Line 4 of said page, by inserting after all of said line the following:

"Section B. Sections 32.110, 32.111, 32.112, 32.115, 135.530 and 135.535, RSMo Supp. 1998, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 32.110, 32.111, 32.112, 32.115, 135.530, 135.535, 1, 2, 3, 4 and 5, to read as follows:

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and [twenty-two] **twenty-six** million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111,

32.112 or 32.117. **All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding.**

32.111. Any business firm which engages in providing affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, in the state of Missouri shall receive a tax credit as provided in section 32.115 if the commission or its delegate approves a proposal submitted by one or more business firms for the provision of affordable housing units **or market rate housing in distressed communities** or in accordance with the requirements of participation in the workfare renovation project in sections 215.340 to 215.355, RSMo. The proposal shall set forth the program of affordable housing to be conducted, the location and number of affordable housing units, the neighborhood area to be served, why the program is needed, the time period for which affordable housing units shall be provided, the estimated amount to be invested in the program, plans for implementing the program and a list of the business firms proposing to provide affordable housing assistance activities which are part of the proposal. **The same type of information shall be provided in proposals for market rate housing in distressed communities.** In the case of rental units **of affordable housing, but not market rate housing in distressed communities**, all proposals approved by the commission shall require a land use restriction agreement stating the provision of affordable housing on [said] **such** property for a time period deemed reasonable by the commission. In the case of owner-occupied units **of affordable housing**, all proposals approved by the commission shall require a land use restriction agreement for a time period deemed reasonable by the commission requiring any subsequent owner, except a lender with a security interest in the property, to be an owner occupant whose income at the time of acquisition is at or below the level described in section 32.105, and further requiring the acquisition price to any subsequent owner shall not exceed by more than a five percent annual appreciation the acquisition price to the original, eligible owner at the time tax credits are first claimed. The land use restriction agreement shall constitute a lien as described in subdivision (4) of subsection 3 of section 32.115. The restriction shall be approved by the property owner and shall be binding on any subsequent owner of the property unless otherwise approved by the commission. In approving a proposal, the commission may authorize the use of tax credits by one or more of the business firms listed in the proposal and shall establish specific requirements regarding the degree of completion of affordable housing assistance activities **or market rate housing activities in distressed communities** necessary to be eligible for tax credits provided pursuant to this section. If, in the opinion of the commission or its delegate, a business firm's investment can more consistently with the purposes of this section be made through a neighborhood organization, tax credits may be allowed as provided in this section. The commission may approve requests for multiyear credit commitments provided eligibility is maintained. The commission or its delegate is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval, for establishing housing priorities for approval or disapproval of such proposals by business firms, and for the certification of eligibility for tax credits authorized pursuant to this section. The decision of the commission or its delegate to approve or disapprove a proposal pursuant to this section shall be in writing, and if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission or its delegate shall be transmitted to the director of revenue and to the governor. A copy of the certification approved by the commission and a statement of the total amount of credits approved by the commission, the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.112. Any business firm which makes a contribution to a neighborhood organization, a significant part of whose activities consist of affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, in the state of Missouri, shall receive a tax credit as provided in section 32.115 if the commission approves a proposal submitted by one or more business firms for the general operating assistance of such neighborhood organization. The proposal shall set forth the activities of the neighborhood organization, including the affordable housing assistance activities **or market rate housing in distressed communities**, the neighborhood area to be served, why the activities are needed, the estimated amount to be contributed to the neighborhood organization, and a list of the business firms proposing to make the contributions. The commission is hereby authorized to promulgate rules and regulations pursuant to section 536.024, RSMo, for establishing criteria for evaluating such proposals by business firms for approval or disapproval, and for the certification of eligibility for tax credits authorized [under] **pursuant to** this section. The decision of the commission to approve or disapprove a proposal pursuant to this section shall be in writing and, if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission shall be transmitted to the director of revenue and to the governor. A copy of the

certification approved by the commission and a statement of the total amount of credits approved, the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;
- (4) The tax on other financial institutions in chapter 148, RSMo;
- (5) The corporation franchise tax in chapter 147, RSMo;
- (6) The state income tax in chapter 143, RSMo; and
- (7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

2. For proposals approved pursuant to section 32.110:

- (1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;
- (2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;
- (3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:
 - (a) An area that is not part of a standard metropolitan statistical area;
 - (b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or
 - (c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;
- (4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this [section] **subsection**. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed.

Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed [twenty-eight] **thirty-two** million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities **or market rate housing in distressed communities as defined in section 135.530, RSMo**, by a business firm. Whenever [said] **such** investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units **or market rate housing units in distressed communities** for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units **or market rate housing units in distressed communities**, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify [said] **such** certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of

eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

135.530. For the purposes of [this act] **sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo,** "distressed community" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or [the] **a** United States Census Block Group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and [which has] **each block group having** a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of **under** seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a Census Block Group or contiguous group of block groups which has a population of at least two thousand five hundred [which has] **each block group having** a median household income of **under** seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census.

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. [A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.]

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

[5.] **7.** The tax credits allowed pursuant to subsections 1, 2 [and 3], **3, 4 and 5** of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection [3] **4** of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection [4] **6** of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

[6.] **8.** A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 [or 3], **3, 4 or 5** of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

[7.] **9.** Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

Section 2. Sections 2 to 6 of this act shall be known and may be cited as the "Rebuilding Communities and Neighborhood Preservation Act".

Section 3. As used in sections 4 to 6 of this act, the following terms mean:

- (1) "Department", the department of economic development;**
- (2) "Director", the director of the department of economic development;**
- (3) "Distressed community", as defined in section 135.530, RSMo;**
- (4) "Eligible costs for a new residence", expenses incurred for property acquisition, development, site preparation other than demolition, surveys, architectural and engineering services and construction and all other necessary and incidental expenses incurred for constructing a new market rate residence, which is or will be owner-occupied, which is not replacing a national register listed or local historic structure; except that, costs paid for by the taxpayer with grants or forgivable loans, other than tax credits, provided pursuant to state or federal governmental programs are ineligible;**
- (5) "Eligible costs for rehabilitation", expenses incurred for the renovation or rehabilitation of an existing residence including site preparation, surveys, architectural and engineering services, construction, modification, expansion, remodeling, structural alteration, replacements and alterations; except that, costs paid for by the taxpayer with grants or forgivable loans other than tax credits provided pursuant to state or federal governmental programs are ineligible;**
- (6) "Eligible residence", a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by section 135.530, RSMo, which is occupied or intended to be or occupied long term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a nonmetropolitan area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the nonmetropolitan areas in the state;**
- (7) "Flood plain", any land or area susceptible to being inundated by water from any source or located in a one hundred-year flood plain area determined by Federal Emergency Management Agency mapping as subject to flooding;**
- (8) "New residence", a residence constructed on land which if located within a distressed community has either been vacant for at least two years or is or was occupied by a structure which has been condemned by the local entity in which the structure is located or which, if located outside of a distressed community but within a census block group as described in subdivision (6) or (10) of this section, either replaces a residence forty years of age or older demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property pursuant to article X, section 4(b) of the Missouri Constitution, as defined in section 137.016, RSMo; except that, no new residence shall be constructed in a flood plain or on property used for agricultural purposes. In a distressed community, the term "new residence" shall include condominiums, owner-occupied units or other units intended to be owner-occupied in multiple unit structures;**
- (9) "Project", new construction, rehabilitation or substantial rehabilitation of a residence that qualifies for a tax**

credit pursuant to sections 2 to 6 of this act;

(10) "Qualifying residence", a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long term by the owner or offered for sale at market rate for owner-occupancy and which is located in a metropolitan statistical area or nonmetropolitan statistical area within a United States census block group which has a median household income of less than seventy percent of the median household income for the metropolitan statistical area or nonmetropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences which is located within a distressed community;

(11) "Substantial rehabilitation", rehabilitation the costs of which exceed fifty percent of either the purchase price or the cost basis of the structure immediately prior to rehabilitation; provided that, the structure is at least fifty years old notwithstanding any provision of sections 2 to 6 of this act to the contrary;

(12) "Tax liability", the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to 143.191 to 143.265, RSMo;

(13) "Taxpayer", any person, partnership, corporation, trust or limited liability company.

Section 4. 1. Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 3 of this act shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 3 of this act shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 2 to 6 of this act for the construction or rehabilitation of rental property.

Section 5. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 4 of this act in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects involving eligible residences and eight million dollars for projects involving qualifying residences. The maximum tax credit for a project consisting of multiple-unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 2 to 6 of this act may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 2 to 6 of this act are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 4 of this act. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 4 of this act, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 4 of this act shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

Section 6. 1. To obtain any credit allowed pursuant to sections 2 to 6 of this act, a taxpayer shall submit to the department, for preliminary approval, an application for tax credit. The director shall, upon final approval of an application and presentation of acceptable proof of substantial completion of construction, issue the taxpayer a certificate of tax credit. The director shall issue all credits allowed pursuant to sections 2 to 6 of this act in the order the applications are received. In the case of a taxpayer other than an owner-occupant, the director shall not delay the issuance of a tax credit pursuant to sections 2 to 6 of this act until the sale of a residence at market rate for owner-occupancy. A taxpayer, taxpayer other than an owner-occupant who receives a certificate of tax credit pursuant to sections 2 to 6 of this act shall, within thirty days of the date of the sale of a residence, furnish to the director satisfactory proof that such residence was sold at market rate for owner-occupancy. If the director reasonably determines that a residence was not in good faith intended for long-term owner occupancy, the director make revoke any tax credits issued and seek recovery of any tax credits issued pursuant to section 620.017, RSMo.

2. The department may cooperate with a municipality or a county in which a project is located to help identify the location of the project, the type and eligibility of the project, the estimated cost of the project and the completion date of the project.

3. The department may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer the provisions of sections 2 to 6 of this act. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The department shall conduct annually a comprehensive program evaluation illustrating where the tax credits allowed pursuant to sections 2 to 6 of this act are being utilized, explaining the economic impact of such program and making recommendations on appropriate program modifications to ensure the program's success.

Section C. Section B of this act shall become effective on January 1, 2000."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

"Section 1. Sections 1 to 4 of this act shall be known and may be cited as the "Family and Community Investment Trust Act".

Section 2. 1. There is hereby created the "Family and Community Investment Trust". The trust shall be governed by a board which shall include the directors of the departments of corrections, elementary and secondary education, health, labor and industrial relations, economic development, mental health and social services. The board shall also include seven private sector members of various backgrounds reflective of the geographic and demographic diversity of the state, including persons with evaluation expertise and experience with business partnerships, with knowledge of community organization and support systems, and of the needs and circumstances of children and families. Members shall be residents of the state of Missouri. The private sector members shall be appointed by the governor, with the advice and consent of the senate, based on recommendations from private and public community-based organizations or individuals. Additional department directors may be appointed; however, an additional private sector member shall be appointed for each additional department director appointed. Private sector members shall serve staggered three-year terms and shall serve no more than two consecutive terms. The governor may appoint nonvoting members to the trust as deemed appropriate by the governor and the trust board.

2. The board shall elect from among its membership cochairpersons, one each from the public and private sectors. Members of the board shall receive no compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties as members of the board.

3. The purpose of the trust is to provide leadership through a public-private partnership, in collaboration with community agencies and organizations, to measurably improve the well-being of Missouri's families, children, individuals and communities, and encourage collaboration among public and private entities to build and strengthen comprehensive community-based support systems. The trust shall also coordinate its efforts with other statewide boards and commissions to advise the governor and legislature on statewide goals and objectives to improve the well-being of Missouri's families, children, individuals and communities through the efficient and effective coordination of state resources.

Section 3. 1. The trust, a body corporate and politic, shall have the following powers together with all other powers incidental thereto or necessary for the performance thereof; provided, however, that the trust shall not supersede the statutory authority of the state departments:

(1) To receive, accept and utilize gifts, grants, donations, contributions, money, property, facilities and services, with or without consideration, from any person, firm, corporation, foundation or other entity, or from this state or any agency, instrumentality or political subdivision thereof, from the United States government or any agency, instrumentality thereof, for the purpose of providing sustained technical support and training for state agencies and communities in their attempts to improve the well-being of Missouri's families, children, individuals and communities. Technical training and support shall be available through representatives of state agencies, existing community agencies, community development specialists and qualified researchers;

(2) To create an action plan, in collaboration with community agencies and state agencies, that identifies a common core of specific outcome measures across communities, that assures accountability, and that incorporates interagency and community strategies and other initiatives to improve the well-being of children, families and communities;

(3) To monitor the implementation of and evaluate the effectiveness of the action plan in achieving the core outcomes across the state;

(4) To devise strategies to respond to any federal fiscal policy changes affecting programs which impact on the well-being of children, youth and families in this state, including those changes required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, as amended.

2. The trust shall be responsible for advising the governor and the general assembly on state budget or policy changes necessary to achieve:

(1) Accountability for outcomes;

- (2) Bringing services closer to where families live and work, and children attend school;**
- (3) Active community involvement in local decision making to measurably improve the well-being of children, families and individuals;**
- (4) Effective use of funds to meet community needs and priorities consistent with the appropriations process of the general assembly and state policy goals.**

3. The trust shall hold at least two public hearings a year. One of these hearings shall be held prior to the submission of the departmental budget proposals to the governor, and the trust shall provide its budget proposals to anyone requesting such proposals prior to the hearing. All other meetings of the trust shall be subject to the provisions of chapter 610, RSMo.

Section 4. 1. There is hereby established the "Family and Community Investment Trust Legislative Oversight Committee". The committee shall be comprised of five members of the house of representatives appointed by the speaker of the house with no more than three members from any one political party and five members of the senate appointed by the president pro tem of the senate with no more than three members from any one political party.

2. The committee shall:

- (1) Ensure that the family and community investment trust is overseeing the state's progress in meeting the goal of improving the well-being of families, children and communities; and**
- (2) Ensure accountability for expenditures of public moneys and measurement of the effectiveness of the action plan."; and**

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, Page 52, Section 1, Line 4, by inserting after all of said line the following:

"Section 2. 1. This section shall be known and may be cited as the "Summer Jobs Program". This tax credit program shall be administered by the department of economic development as a pilot project from January 1, 2000, until December 31, 2002, with the goal of creating employment for youths in urban areas. No later than December 1, 2001, the department of economic development shall submit to the general assembly a report which outlines the effectiveness of the program.

2. For all taxable years beginning on or after January 1, 2000, and before January 1, 2003, an individual or corporate taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.261, RSMo, for up to twenty-five thousand dollars of the amount expended to establish, in any city with a population greater than three hundred fifty thousand, located in more than one county, a summer job program to employ youths who are between sixteen and nineteen years of age and whose family income is equal to or below one hundred fifty percent of the federal poverty level.

3. To receive the credit allowed pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form prescribed by the department of economic development. Upon approval of a taxpayer's application, the department of economic development shall issue a certificate of tax credit which shall be submitted by the taxpayer with such taxpayer's state income tax return. Tax credits shall be issued in the order applications are received.

4. Tax credits issued pursuant to this section are transferrable and assignable, and may be carried forward to the taxpayer's five succeeding tax years or carried back to the taxpayer's three preceding tax years until the full

credit has been claimed.

5. The maximum amount of tax credits allowed pursuant to this section is two hundred thousand dollars per calendar year.

6. The department of economic development shall be authorized to promulgate any rules necessary to administer the tax credit program created by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the [municipality] **city, town or village**; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the [municipality] **city, town or village**; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; **provided that, the city, town or village may only impose requirements and the posting of bonds regarding escrows for subdivision related regulations as provided for in subsections 2 to 4 of this section.**

2. The regulation may include, **but only include**, requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including, **but only including**, requirements as to the extent and manner of the installation of all utility facilities[, and]. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and **utility** installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council may accept a bond **or escrow** in an amount and with surety and **other reasonable** conditions [satisfactory to it], providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond; [and] **provided that, the release of such escrow by the city, town or village shall be as specified in this section.** The council may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. The regulations shall provide that any escrow amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds are duly posted with the United States Postal Service or other agreed upon delivery service or when the escrow funds are hand delivered to an authorized person or place as specified by the owner or developer.

4. If the city, town or village has not released the escrow funds within thirty days as provided in this section, the

city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds have been released. Any owner or developer aggrieved by the city, town or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court shall award the prevailing party the amount of all costs attributable to the action, including reasonable attorneys' fees.

5. Nothing in this section shall apply to performance and payment bonds required by cities, towns or villages.

6. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, In the Title, Line 2, by inserting after the word "repeal" the following: "section 88.812, RSMo 1994, and"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after the following: "Section A." the following: "Section 88.812, RSMo 1994, and"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the following: "67.1663 and 1," and inserting in lieu thereof the following: "67.1663, 88.812 and 1,"; and

Further amend said bill, Page 51, Section 67.1663, Line 1, by inserting after all of said line the following:

"88.812. In all third class cities, fourth class cities, towns and villages, and all cities having a constitutional charter or a special charter, the assessments made for constructing and repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating, macadamizing, curbing and guttering of any street, avenue, alley, square, or other highway, or part thereof, and repairing the same, or for any other improvement authorized by sections 88.497 to 88.663, and sections 88.667 to 88.773, and sections 80.090 to 80.560, RSMo, and sections 88.777 to 88.797, and sections 88.811 to 88.861, shall be known as "special assessments for improvements", and shall be levied and collected as a special tax, and a special tax bill shall issue therefor and be paid in the manner provided by ordinance. The legislative body of such city, town or village shall cause plans and specifications for all projects, together with an estimate of the total cost for the projects, including construction, construction contingency and fees and other expenses, and an estimate of the portion of the total cost to be assessed against each property to be benefited by the project, to be prepared by the city engineer or other proper officer, and filed with the clerk of such city, town or village, subject to the inspection of the public, and shall cause notice thereof to be published in some newspaper printed in the county for two consecutive insertions in a weekly paper, and for seven consecutive insertions in a daily paper. A public hearing shall be had before such legislative body upon the request of three or more citizens of such city, town or village, at which hearing citizens may express their assent or objection to such project. These special tax bills may include a reasonable construction contingency and an amount not to exceed twenty percent of the total cost of the improvement to be used for payment of fees and other expenses, and tax bills may bear interest not to exceed the rate on ten-year United States treasury notes as established at the most recent auction; all the tax bills shall become due and payable sixty days after the date of issue thereof, except in the case of tax bills payable in installments as herein provided; and, every special tax bill shall be a lien against the lot or tract or parcel of land described in said special tax bill for a period of ten years after date of issue, unless sooner paid, except in the case of special tax bills

payable in installments, the lien of which shall not expire until one year after the date of maturity of the last installment, and except in any case where it becomes necessary to bring a suit to enforce the lien of any special tax bill, the lien of which shall continue until the expiration of the litigation. **Notwithstanding the provisions of this section, a constitutional charter city may provide for special assessments for constructing and repairing sidewalks and sidewalk curbing, and for sewers, and for grading, paving, excavating, macadamizing, curbing and guttering of any street, avenue, alley, square or other highway, or part thereof, and repairing the same, upon such terms, conditions and procedures as are set forth in its own charter or ordinances."**

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 20, Page 21, Section 67.1600, Line 23, by striking the word "**339.545**" and inserting in lieu thereof the word "**339.549**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 888**, as amended: Representatives Leake, Williams (159), Wiggins, Hegeman and Klindt.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SB 20**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HBs 718, 225, 876 and 838**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 825, regarding Michael Schmidt, Columbia, which was adopted.

Senator Bentley offered Senate Resolution No. 826, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Moore Thompson, Springfield, which was adopted.

Senator Westfall offered Senate Resolution No. 827, regarding Nancy Gallatin, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 828, regarding Joyce Derryberry, Bolivar, which was adopted.

Senator Schneider offered Senate Resolution No. 829, regarding the 1949 graduating class of Highland High School, Gastonia, North Carolina, which was adopted.

Senator Schneider offered Senate Resolution No. 830, regarding Reverend Maria-Alma Rainey Copeland, Florissant, which was adopted.

Senator Scott offered Senate Resolution No. 831, regarding Mary Anne Piskulich, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 832, regarding Chief Daniel B. Linza, Kirkwood, which was adopted.

Senator Caskey offered Senate Resolution No. 833, regarding Stacy Thompson, Harrisonville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Mr. and Mrs. Larry Cooper and Jessica Cooper, Kennett.

Senator Singleton introduced to the Senate, Michelle Taylor, Danny Crahan and Bob Nuckolls, Carthage.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 11, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY--TUESDAY, MAY 11, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: You are more than willing to provide what we need if we were willing to truly ask for what is needful. You continue to help us despite life's stressors, distressing heartbreaks and failure. So we ask, grant us this day a renewed determination and strength to accomplish what You have laid out before us. And help us to sense that whatever we accomplish here You will bring to victory through Your guidance. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Maxwell and Johnson offered Senate Resolution No. 834, regarding the Missouri Air National Guard, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 835

WHEREAS, the members of the Missouri Senate are proud to recognize an outstanding Missouri citizen whose athletic efforts have served as a source of inspiration to all those who know and love him; and

WHEREAS, Jeffrey S. Ottenad, an esteemed resident of St. Louis, Missouri, was officially inducted into the Special Olympics Hall of Fame located in Springfield, Missouri, on March 5, 1999; and

WHEREAS, Jeffrey Ottenad has distinguished himself as an active participant in the Special Olympics for twenty years, during which time he has excelled in competition at the local, state, and international levels; and

WHEREAS, Jeffrey Ottenad is a tremendously gifted athlete who earned much well-deserved recognition for taking the Silver Medal in the 5,000-meter race at the 1995 International Special Olympic Games held in New Haven, Connecticut; and

WHEREAS, Jeffrey Ottenad has put forth an incredible degree of effort through the important role he has played as a runner in the Law Enforcement Torch Run with the St. Ann Police Department for three years in order to raise funds for the continued operation of the Missouri Special Olympics; and

WHEREAS, Jeffrey Ottenad has served as a role model and example to countless young athletes through his sheer will and determination to do his best and has demonstrated considerable skill and talent as a runner for many years; and

WHEREAS, Jeffrey Ottenad continues his quest for athletic excellence as he trains with his father, John, and volunteer, Merritt Mamroth, in the hopes of one day participating in a grueling and physically challenging 26.2-mile marathon:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Jeffrey Ottenad upon his most worthy induction into the Special Olympics Hall of Fame, and in wishing him the very best as he continues to maintain only the highest standards for achievement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jeffrey Ottenad.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 836

WHEREAS, the members of the Missouri Senate are tremendously appreciative of those individuals who have dedicated their lives to the public safety of Show-Me State residents and the multitude of visitors to this diverse state; and

WHEREAS, Chief Daniel B. Linza of the Kirkwood Police Department began his law enforcement career as a patrol officer on April 23, 1955; and

WHEREAS, during the ensuing years Chief Linza has served with distinction and has steadily climbed through the ranks with promotion to Corporal on August 6, 1956, to Sergeant in April of 1957, to Lieutenant in 1968, and finally to Chief on December 1, 1969; and

WHEREAS, very progressive in his approach to policing, Chief Linza established Kirkwood's Neighborhood Watch, Community Oriented Neighborhood Policing, the DARE program, and other partnership police and community programs; and

WHEREAS, Chief Linza maintained high standards regarding performance of police personnel and established new hiring procedures, promotional processes, and the upgrading of officer physical fitness and safety training; and

WHEREAS, throughout his leadership tenure, Chief Linza was famous for his involvement with Kirkwood Rotary Club, Kirkwood Area Chamber of Commerce, the Pioneer Boosters, and the Leadership St. Louis Program, of which he is a graduate and member; and

WHEREAS, an exceptional leader with numerous policing professional organizations, Chief Linza proactively enacted innovations in law enforcement policies to match changes in society and the newest theory and practices taught at the FBI National Academy and the FBI Law Enforcement Executive Development Seminar:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the life and work of Kirkwood Police Chief Daniel Linza and to congratulate him for the support and encouragement he has received from the congregation of his beloved Church of the Nazarene and his own family which consists of his wife of eight years, Sharon; children, Nancy, Michael, Donna, Christine, and Daniel, Jr.; and five grandsons; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Chief of Police Daniel B. Linza upon his retirement on July 2, 1999.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 837

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Dominic L. Passantino, of Kansas City; and

WHEREAS, Dominic Passantino, a native of Kansas City was a graduate of Rockhurst High School where he was active in numerous sports activities, including the track team and was an All-Star starting defensive back for the Rockhurst High School Football team under the leadership of Coach Tony Severinio, who remembers him as the nicest young man he had ever been associated with; and

WHEREAS, Dominic Passantino, a popular and outgoing student with a winning smile and personality was a freshman at the University of Missouri-Columbia, and a member of Sigma Chi Fraternity, only 19 years old; and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberation to salute the memory of an outstanding young man, Dominic L. Passantino, express their appreciation for his outstanding accomplishments in his young life and for his contributions to Rockhurst High School and the University of Missouri and extend to his parents, family and many friends, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly copies of this resolution for his father, Rocky Pasantino; his mother, Donna Passantino; his brother, L. Dante Passantino; his grandparents, Leonard and Maria Passantino; Doris and Lonnie Marshall and Jewell Blades; his great- grandmother, Katie Fontana; students of Rockhurst High School; Coach Tony Severino, Rockhurst High School; Sigma Chi Fraternity, University of Missouri; and the Passantino Funeral Home, Kansas City.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 838

WHEREAS, the members of the Missouri Senate were deeply saddened by the death of lifetime Kansas resident and medical professional Dr. Daniel D. Dreiling on Monday, April 26, 1999, at the age of ninety; and

WHEREAS, born on August 4, 1908, in Walker, Kansas, to Ildephonse and Mary Ann Zimmerman Dreiling, Daniel Dreiling married his beloved Felicitas Dreiling on August 22, 1935, and established their family residence in Junction City, Kansas, where he lived for the rest of his life except for a brief period of advanced medical study; and

WHEREAS, a graduate of Victoria High School in Kansas and Quincy College in Illinois, Daniel Dreiling earned a Doctor of Dental Surgery degree from Saint Louis University School of Dentistry in 1933 and established his highly regarded practice in Junction City; and

WHEREAS, after postgraduate work in orthodontics at the dental schools of Washington University and the University of Kansas City, Dr. Dreiling limited his practice to the specialty of orthodontics beginning in 1954; and

WHEREAS, a member of Junction City's St. Xavier's Catholic Church, Dr. Dreiling was an active leadership component of numerous professional, service, civic, and church organizations including the International College of Dentists for which he was a Fellow, the Kansas Specialty Board of Orthodontics, the Kansas State Orthodontic Society, the Geary County Dental Society, Pierre Fauchard Academy, the Southwestern Society of Orthodontics, and the Monsignor James Bradley's 4th degree general assembly of Knights of Columbus; and

WHEREAS, the passing of Dr. Daniel Dreiling is mourned by friends, former colleagues, and his family which consists of sons William J. Dreiling, Dan Dreiling, Jr., Dr. Pat M. Dreiling, Michael P. Dreiling, and Thomas E. Dreiling; daughters Mary Rauh and Dianne Vader; brother Kilian Dreiling; sisters Ida Adamson, Bertha Bolling, and Sister Anna Bell Dreiling; twenty-three grandchildren; and fourteen great-grandchildren; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to express our sincerest condolences to the family, friends, and colleagues of Dr. Daniel Dreiling during this difficult time of bereavement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Dr. Daniel D. Dreiling of Junction City, Kansas.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 839

WHEREAS, the Missouri Senate is proud to honor those Show-Me State students who have achieved national recognition through their exemplary efforts as members of Missouri DECA; and

WHEREAS, James Rigdon of Neosho High School is one of sixteen Missouri high school marketing students to receive top honors at the fifty-third National DECA Career Development Conference which was held this year in Orlando, Florida; and

WHEREAS, the son of Jerry and Susan Rigdon of Neosho, James competed with 12,000 of the best and brightest high school marketing students from the United States and Canada and received national acclaim with a "Top 10 in Nation" placement in the Technical Marketing Representative Event; and

WHEREAS, in addition to his membership in the local, state, and national DECA, James is a National Qualifier in Speech and Debate who has attained distinction with Bright Flight Honors and a Crowder College Business Scholarship; and

WHEREAS, a national association of marketing students, DECA is a co-curricular program of activities for local high school marketing education programs across the country and in Canada, Guam, and Puerto Rico; and

WHEREAS, DECA's nationally recognized program of competitive events uses interviews, tests, role-plays, and written project reports to evaluate marketing and management skills identified by the nation's business community as essential for success in business today:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to congratulate James Rigdon for his stellar achievement at the 1999 National DECA Career Development Conference and his cordial invitation to attend a recognition reception at the Missouri Governor's Mansion on May 19, 1999; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for James Rigdon, DECA student at Neosho High School.

Senator Steelman offered the following resolution:

SENATE RESOLUTION NO. 840

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Sixteenth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 93 be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for [wives] **spouses** and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

Senator Schneider offered the following resolution:

SENATE RESOLUTION NO. 841

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Fourteenth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an

original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments[, except that it shall not be subject to amendment by a further floor substitute]. No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

Senator Wiggins offered Senate Resolution No. 842, regarding the death of Joan F. Bradley, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 843, regarding the death of Frank Stoehr, which was adopted.

Senator Wiggins offered Senate Resolution No. 844, regarding the death of Chuck Blocker, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 845, regarding the death of Mr. Abe Bain, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 846, regarding the death of Helen J. Harris, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 847, regarding the death of Dorothy Dobbin Davis, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 848, regarding the death of Thomas Wayne Thurber, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 849, regarding the death of Charles David Moss, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 850, regarding the death of Mabel Maxwell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 851, regarding the death of Virginia Dover, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 852, regarding the death of John Francis Huber, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 853, regarding the death of Berry E. Allen, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 854, regarding the death of Donald Lee Aggeler, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 855, regarding the death of Brent G. Moore, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 856, regarding the death of Kenneth S. Fuller, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 857, regarding the death of Homer F. Branson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 858, regarding the death of John Michael Mitchell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 859, regarding the death of Claude W. Vance, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 860, regarding the death of Ura Hollis, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 861, regarding the death of Ella Jean Estrada, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 862, regarding the death of Sara Ann (Wheeler) Hatton, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 863, regarding the death of Lannie Haynes Taylor, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 864, regarding the death of Thelma Siegel, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 865, regarding the death of Evelyn Mary Gibson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 866, regarding the death of Helen V. Gier, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 867, regarding the first Kansas City Chief of Police, Thomas M. Speers, which was adopted.

Senator Ehlmann offered Senate Resolution No. 868, regarding Paul Steffen, Wentzville, which was adopted.

Senator Rohrbach offered Senate Resolution No. 869, regarding Kimberly Higgins, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 870, regarding Lindsey Knipp, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 871, regarding Whitney Huhmann, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 872, regarding Katie Williams, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 873, regarding Jennifer Williams, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 874, regarding Ryan Lavery, Tipton, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 779** and has again taken up and passed **SCS** for **HB 779**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 196**, as amended, and request the Senate grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 343**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 852** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 450**, as amended: Represen-tatives Relford, Wiggins, Days, Graham (106) and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 139**, as amended: Representatives Wiggins, Leake, Overschmidt, Long and Berkstresser.

Senator Johnson assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 988, introduced by Representative Backer, entitled:

An Act to repeal section 60.595, RSMo 1994, relating to the department of natural resources revolving services fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 988** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Graves	Howard	Klarich	Rohrbach
Westfall--5			
Absent--Senators			
Bland	Clay	Jacob	Quick
Scott--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 399, introduced by Representative Bray, entitled:

An Act to repeal section 144.655, RSMo Supp. 1998, relating to filing and payment of use taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 399** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Clay	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 472, introduced by Representative Nordwald, entitled:

An Act to repeal section 453.070, RSMo Supp. 1998, relating to investigation for adoption, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 472** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Clay	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Schneider moved that **SCS** for **SBs 295** and **46**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 295** and **46**, as amended, was again taken up.

President Pro Tem Quick assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Schneider moved that **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Quick	Schneider
Scott	Staples	Steelman	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Bentley	Caskey	Childers	Graves
Kenney	Rohrbach	Russell	Sims
Singleton	Westfall--10		
Absent--Senators			
Flotron	Mueller--2		
Absent with leave--Senators--None			

On motion of Senator Schneider, **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Bentley	Childers	Graves	Rohrbach
Russell	Sims	Singleton	Westfall--8
Absent--Senators			
Flotron	Mueller--2		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goode moved that **SB 326**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 326**, entitled:

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 326

An Act to repeal sections 197.310, 197.315, 197.325, 197.330, 197.335, 197.350, 197.360, 197.365, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.313, 197.316, 197.317, 197.318, 197.320, 198.067 and 198.439, RSMo Supp. 1998, relating to nursing home reimbursement and regulation, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with an emergency clause for certain sections, expiration dates for certain sections and penalty provisions.

Was taken up.

Senator Goode moved that **HS** for **SB 326** be adopted.

Senator Goode offered a substitute motion that the Senate refuse to concur in **HS** for **SB 326** and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon and, further, that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Staples moved that **SB 294**, with **HAs 1, 2, 3, 4, 6** and **7**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--28

NAYS--Senators

Kenney	Rohrbach	Singleton--3
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Absent--Senators

Banks	Flotron	Yeckel--3
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Absent with leave--Senators--None

HA 2 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Flotron	Yeckel--3	
Absent with leave--Senators--None			

HA 3 was taken up.

Senator Staples moved that the above amendment be adopted, which motion failed by the following vote:

YEAS--Senators			
Bentley	Childers	Clay	DePasco
Graves	Johnson	Maxwell	Quick
Rohrbach	Staples	Westfall--11	
NAYS--Senators			
Bland	Caskey	Ehlmann	Goode
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Mueller
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Wiggins
Yeckel--21			
Absent--Senators			
Banks	Flotron--2		
Absent with leave--Senators--None			

Having voted on the prevailing side, Senator Staples moved that the vote by which **HA 1** and **HA 2** to **SB 294** were adopted be reconsidered and requested unanimous consent of the Senate to reconsider both amendments with one vote, which request was granted.

HA 1 and **HA 2** were reconsidered by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Singleton--1			
Absent--Senators			

Banks	Flotron	Russell--3
	Absent with leave--Senators--None	

Senator Staples moved that the Senate refuse to concur in **HA 1, HA 2, HA 3, HA 4, HA 6** and **HA 7** to **SB 294** and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 343**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 852** and grant the House a conference thereon, which motion prevailed.

Senator Howard moved that **SB 32**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 32**, entitled:

HOUSE SUBSTITUTE FOR SENATE BILL NO. 32

An Act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to the rights and benefits of employees, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Howard moved that **HS** for **SB 32** be adopted.

Senator Kinder offered a substitute motion that the Senate refuse to concur in **HS** for **SB 32** and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion failed on a standing division vote.

Senator Howard moved that **HS** for **SB 32** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Schneider	Scott	Sims
Steelman	Stoll	Wiggins--19	
	NAYS--Senators		
Childers	Graves	Kenney	Kinder
Mueller	Russell	Singleton	Westfall
Yeckel--9			
	Absent--Senators		
Flotron	Goode	Klarich	Quick
Rohrbach	Staples--6		
	Absent with leave--Senators--None		

On motion of Senator Howard, **HS** for **SB 32** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	House
Howard	Jacob	Johnson	Mathewson

Maxwell	Schneider	Scott	Sims
Steelman	Stoll	Wiggins	Yeckel--20
	NAYS--Senators		
Childers	Graves	Kenney	Kinder
Mueller	Russell	Singleton	Westfall--8
	Absent--Senators		
Flotron	Goode	Klarich	Quick
Rohrbach	Staples--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SB 291** and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SB 291**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 219**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 219**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SBs 31** and **285** and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SBs 31** and **285**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 888**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 888**, as amended by the conference committee report.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 76**, as amended, and has taken up and passed **SB 76**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 261** and requests the Senate to recede from its position on **SA 1** to **HB 261** and take up and pass **HB 261**.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 875, regarding Emily Adkison, Gravois Mills, which was adopted.

Senator Rohrbach offered Senate Resolution No. 876, regarding Erik Morrison, Versailles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 877, regarding Kyle Woods, Versailles, which was adopted.

Senator Graves offered Senate Resolution No. 878, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Judson Baugher, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 879, regarding Gaylon Witmer, Stewartsville, which was adopted.

On motion of Senator DePasco, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator House offered Senate Resolution No. 880, regarding Ken Hussey, Kirksville, which was adopted.

Senator House offered Senate Resolution No. 881, regarding Alan G. Jones, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 882, regarding the Marketing Education Program at the Rolla Technical Institute, which was adopted.

Senator Bentley offered Senate Resolution No. 883, regarding Lauren Hawkins, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 884, regarding Gene Waite, Springfield, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 852**: Senators Caskey, Banks, Scott, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 343**, as amended: Senators Caskey, Quick, DePasco, Westfall and Bentley.

REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HBs 718, 225, 876** and **838**, with **SCS**, to the Committee on State

Budget Control.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator DePasco moved that the vote by which **HCS** for **SB 196**, as amended, failed of adoption be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Bland	Maxwell
Mueller	Singleton	Staples--7	
Absent with leave--Senators--None			

At the request of Senator DePasco, the motion to adopt **HCS** for **SB 196**, as amended, was withdrawn.

Senator DePasco moved that the Senate refuse to concur in **HCS** for **SB 196**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 196**, as amended: Senators DePasco, Scott, Staples, Mueller and Singleton.

PRIVILEGED MOTIONS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 888**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 888

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 and Senate Substitute Amendment No. 1 for Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 1, Senate Amendment No. 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 7;

2. That the House recede from its position on Senate Amendment No. 2 and Senate Amendment No. 3 and on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888.

3. That additional Conference Committee Amendment Nos. 1 and 2 be adopted.

4. That Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 2, Senate Amendment No. 3, Conference Committee Amendment No. 1 and Conference Committee Amendment No. 2, be adopted and truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Sam Leake

/s/ Sidney Johnson /s/ David Klindt

/s/ Harold Caskey /s/ Marilyn Williams

/s/ Morris Westfall /s/ Daniel J. Hegeman

/s/ Sam Graves /s/ Gary Wiggins

CONFERENCE COMMITTEE

AMENDMENT NO. 1

(CORRECTED)

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.407, Lines 25 to 26 of said page, by deleting ", **equity investments**"; and

Further amend said bill, Page 4, Section 348.407, Lines 2 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the word "community."; and

Further amend said bill, Page 4, Section 348.407, Lines 23 to 24 of said page, by deleting the following: ", **equity investments**".

CONFERENCE COMMITTEE

AMENDMENT NO. 2

(CORRECTED)

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 8 to 11 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

On motion of Senator Mathewson, **SS** for **SCS** for **HCS** for **HB 888**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators			
Flotron	Rohrbach--2		
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators			
Rohrbach	Sims--2		
Absent--Senator Banks--1			
Absent with leave--Senators--None			

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Sims moved that **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 19, Section 2, Lines 13 and 14 of said page, by deleting lines 13 and 14 on said page.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17, of said page, by inserting immediately after all of said line the following:

"Section 16. Any applicant for a grant or contract who offers early childhood development, education or care programs and who receives funds derived from an appropriation to the department of elementary and secondary education pursuant to paragraph (d) of subdivision (3) of section 313.835, RSMo, shall be licensed by the department of health pursuant to sections 210.201 to 210.259, RSMo, prior to opening of the facility. The provisions of this section shall not apply to any grant or contract awarded to a request for proposal issued prior to August 28, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 15, Section 210.485, Line 2-12 of said page, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page by inserting immediately after said line the following:

"Section 16. To ensure safe medical transportation for the elderly the department of health shall promulgate rules and regulations relating to the transportation of any natural living person being transported laying down or reclining by any person or entity unless such person or entity is licensed pursuant to section 190.109, RSMo, and unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported by a person licensed pursuant to section 190.109, RSMo. Such rules and regulations shall include at a minimum:

- (1) Staffing requirements which at a minimum require that the person being transported is attended to by a licensed EMT-P;**
- (2) Insurance requirements;**
- (3) Equipment standards;**
- (4) Vehicle design and construction standards;**
- (5) Medical oversight."; and**

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Kenney raised the point of order that **SA 7** is out of order as the amendment goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

Senator Flotron moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page by inserting immediately after said line the following:

"Section 16. Except in counties of the second or third classification, to ensure safe medical transportation for the elderly the department of health shall promulgate rules and regulations relating to the transportation of any natural living person being transported laying down or reclining by any person or entity unless such person or entity is licensed pursuant to section 190.109, RSMo, and unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported by a person licensed pursuant to section 190.109, RSMo. Such rules and regulations shall include at a minimum:

- (1) **Staffing requirements which at a minimum require that the person being transported is attended to by a licensed EMT-P;**
- (2) **Insurance requirements;**
- (3) **Equipment standards;**
- (4) **Vehicle design and construction standards;**
- (5) **Medical oversight."**; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Sims moved that **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Schneider	Scott
Sims	Staples	Steelman	Stoll
Wiggins	Yeckel--26		
NAYS--Senators			
Caskey	Graves	Rohrbach	Russell
Singleton	Westfall--6		
Absent--Senators			
Clay	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Kenney	Kinder	Mueller
Rohrbach	Russell	Singleton	Westfall--8
Absent--Senators			
Clay	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 368, with **SCS**, introduced by Representatives Murray and Franklin, entitled:

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to salaries of certain state employees, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Goode.

SCS for **HB 368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 368An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 30.953, 217.665, 286.005 and 476.380, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **HB 368** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill 368, Pages 1-4, Section 30.953, Lines 1-83, by striking all of said section from the bill; and

Further amend said bill, page 8, Section 476.380, lines 3 to 6, by striking all of said lines and inserting in lieu thereof the following: "four times each year, shall receive his actual [expenses of travel and his necessary expense for subsistence not to exceed eighty percent of the federal per diem established by the Internal Revenue Service for the city hosting such conference or council meeting] **and necessary expenses**, to be paid from the state treasury on order of the".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 368, Page 1, Section Title, Line 4, by striking the word "state" and inserting in lieu thereof the word "public"; and

Further amend said bill, page 8, section 476.380, line 7, by inserting immediately after said line the following:

"Section 1. In any city not within a county, funding for clerical staff of such city shall be provided through a fee determined by the governing body, which may be a percentage of the public assistance secured by the public administrator for use by a care facility or a percentage of the fiduciary bonds written in such city not within a county, or both."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 2** is out of order as the amendment goes beyond the purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 368, Page 5, Section 105.006, Line 4, by inserting immediately after said line the following:

"105.267. 1. Except as otherwise provided in this subsection, any employee of an agency of the state of Missouri, who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of twenty-five full-time equivalent state employees for a total of fifteen calendar days in any fiscal year for each full-time equivalent employee. The employee shall be released from work to participate in specialized disaster relief services upon request from an authorized representative of the American Red Cross for such employee and upon the approval of such employee's appointing authority. The appointing authority shall compensate an employee granted leave pursuant to this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted pursuant to this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave, the authorized representative of the American Red Cross shall file with the appointing authority or supervising agency evidence that such employee participated in specialized disaster relief services during the time such leave pay is granted.

3. No certified disaster service volunteer shall be discharged from employment because of such person's status as a certified disaster service volunteer nor shall such employee be discriminated against or dissuaded from volunteering or continuing such service as a certified disaster relief volunteer. For the purposes of this section, the term "certified disaster volunteer" means a person who has completed the necessary training for, and has been certified as, a disaster service specialist by the American Red Cross.

4. Upon written order of the governor, additional employees, not to exceed twenty-five full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within this state."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 368, Page 8, Section 476.380, Line 7, by adding the following new section:

"Section 1. Any judge who has become eligible to receive retirement compensation pursuant to section 476.520 and who has elected not to retire and has continued to serve as a judge after August 28, 1995, shall have added to the retirement compensation when the judge retires or dies an amount equal to the total of all annual cost-of-living

increases that retired judges received between the time the judge first became eligible to retire and the year the judge actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section and section 476.601 exceed sixty-five percent of the judge's retirement compensation calculated at the time of retirement or death.

2. Any judge who was eligible to retire on August 28, 1995, and elected to continue to serve as a judge after such date, but who retired before August 28, 1996, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the retirement benefit recalculated from the date of the retirement, pursuant to the provisions of subsection 1 of this section.

3. Any judge who retired prior to August 28, 1995, and who is receiving judicial retirement compensation on September 1, 1999, shall upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the judge's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the consultant's retirement benefit recalculated as if subsection 1 of this section was in effect on the consultant's date of retirement. Any monthly benefit increases payable pursuant to this subsection shall become effective September 1, 1999. In no event shall the system make any retroactive compensation payments under this subsection."; and amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 368, Page 2, Section 30.953, Line 36, by adding the following:

"Any law to the contrary notwithstanding, the Treasurer's signature on all refund checks in 1999 or 2000 shall not be any larger than his signature on refund checks for any of the previous three years."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 5** was withdrawn.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 368, Page 8, Section 476.380, Line 7, by adding at the end of said line the following:

"Section 1. Transportation shall be by car, train or bus unless the State Treasurer notifies the House Budget Chair and the Senate Appropriations Chair of the necessity of providing air transport"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Klarich offered **SA 1 to SA 6**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Committee Substitute for House Bill No. 368, Page 1, Line 1, by adding after the word "car" on said line, the following: "boat (motorized, paddle, oar, sail, steam, turbine, diesel, nuclear, electric or gambling)".

Senator Klarich moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 6** and **SA 1 to SA 6** are out of order as the amendments go beyond the scope and purpose of the bill.

At the request of Senator Klarich, **SA 1 to SA 6** was withdrawn.

At the request of Senator Rohrbach, **SA 6** was withdrawn, rendering the point of order moot.

Senator Ehlmann offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 368, Page 1, Section 21.145, Line 9, by adding the following: "Any law to the contrary notwithstanding, the Treasurer's signature on all refund checks in 1999 or 2000 shall not be any larger than his signature on refund checks for any of the previous three years.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 7** was withdrawn.

Senator Goode moved that **SCS** for **HB 368**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 368**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Klarich Steelman--2

Absent--Senators

Bentley Bland--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

HCS for **HB 889**, entitled:

An Act to repeal section 162.975, RSMo Supp. 1998, and to enact in lieu thereof six new sections for the sole purpose of increasing the reading levels of younger children.

Was called from the Informal Calendar and taken up by Senator Stoll.

Senator Stoll offered **SS** for **HCS** for **HB 889**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 889

An Act to repeal sections 160.051, 160.053, 160.054, 160.055 and 162.975, RSMo Supp. 1998, relating to remediation of student academic deficiencies, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Stoll moved that **SS** for **HCS** for **HB 889** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill 889, Page 1, In the Title, Line 3-4, by striking the words "remediation of student academic deficiencies" and inserting in lieu thereof the words "school districts"; and

Further amend Line 5 by inserting after the word "subject" the following: ", with an emergency clause for a certain section"; and

Further amend said bill, Page 11, Section 162.975, Line 11, by inserting immediately after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects [funds] **fund**, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes,

except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible

pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; **except that the state aid shall be deducted in equal amounts over the five school years following the**

school year of an unlawful transfer provided that:

(1) The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental [fund] **funds'** unrestricted balances on June 30, 1995, exceeded eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991- 92 school year; and

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection

may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

- (a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;
 - (b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;
 - (c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;
 - (d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.
- (4) A district which makes a transfer pursuant to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.
- (5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental funds to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend said bill, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section B. Because of the urgent need to revise state penalties for certain fund transfer violations, section 165.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting after all of said line the following:

"Section 6. 1. The state of Missouri in an effort to improve elementary reading skills and basic student achievement in english and foreign languages, remedial reading, science and math hereby establishes the "Missouri Teacher Corps" program to improve student achievement. The department of elementary and

secondary education and the department of higher education shall work together to provide staff and facilities to establish the corps and promote its success.

2. The corps shall recruit fifty college seniors or graduates each year to contract to teach in designated schools for a two-year period. No recruit shall have majored in education. Each recruit shall have a bachelor's degree upon entering the corps in english, foreign language, mathematics, science, social studies or history.

3. The corps shall:

(1) Provide dedicated, talented teachers for school districts where an inadequate supply of teachers exists and has a need for student reading improvement;

(2) Afford a structured entry into the teaching profession for outstanding liberal arts graduates who may have never taught;

(3) Identify and nurture educational leaders for the twenty-first century.

4. The corps shall provide, with the assistance of the state colleges and universities, an eight-week intensive training institute for the recruits to provide skills needed to assist them in teaching. Upon successful completion of certification requirements, recruits shall be assigned by the corps to public school districts on the basis of local need.

5. The corps shall provided members with tuition and book allowances and housing allowance for the member's pursuance of a master of arts degree in curriculum and instruction in an evenings and weekends and summer schedule for the first two years.

6. Corps members shall be compensated as are other teachers.

7. The department of elementary and secondary education may adopt rules to implement the provisions of this section.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo"; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Schneider offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 889, Page 2, Section 6, Lines 13-15, by striking all of said lines and inserting in lieu thereof the following:

"8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 6, Section 160.055, Line 2, by inserting immediately before all of said line the following:

"[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]" ; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 3** is out of order because it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Maxwell, Graves, Childers and Ehlmann.

SA 3 failed of adoption by the following vote:

YEAS--Senators

Bland	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Scott
Singleton	Steelman	Westfall	Yeckel--16

NAYS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Sims	Staples	Stoll	Wiggins--16

Absent--Senators

Goode	Schneider--2
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Absent with leave--Senators--None

Senator Johnson assumed the Chair.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section 6. In any school district to which any provisions of sections 1 to 3 of this act apply and in which district charter schools may be established pursuant to section 160.400, RSMo, the mayor of any city not within a county containing all or a part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Kinder offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section 6. In any school district to which any provisions of sections 1 to 3 of this act apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted, which motion prevailed.

Senator House offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 6, Section 160.055, Line 2 of said page, by inserting after all of said line the following:

"160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such

pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as **the** disbursal agent and no later than twenty days following receipt of any such funds.

(5) The per pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter." and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 11, Section 162.975, Line 10 of said page, by inserting after all of said line the following:

"162.1120. No state agency, board or commission shall establish any policy or rule which requires any person to obtain any state certificate pursuant to a public school program linking education and careers, including any school-to-work program, as a condition of employment, nor shall any state agency establish any policy or rule requiring any employer to require such state certificate as a condition of employment. Nothing in this section shall be construed to affect or limit any state agency's authority regarding professional registration, licensing or issuance of professional certificates, nor shall this section be construed to limit or affect the authority of the state board of education to examine applicants and issue high school equivalency certificates."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1 to SA 6**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Committee Substitute for House Bill No. 889, Page 1, Section 162.1120, Line 14, by adding the following after the word "certificates":

", except that the school board of each school district shall establish a written policy on student participation in statewide assessments. The policy shall be provided to each student and the parent, guardian or other person responsible for every student under eighteen years of age at the beginning of each school year and a copy of the policy shall be maintained in the district office and shall be available for viewing by the public during business hours of the district office. The policy may establish a system of rewards and punishments designed to encourage students to give their best efforts on each portion of any statewide assessment established pursuant to section 160.518, RSMo.

In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state approved diploma."

Senator Ehlmann moved that the above amendment be adopted.

Senator Klarich requested a division of the question on **SA 1 to SA 6** asking that a vote first be taken on the portion of the amendment dealing with lines 2-9 and that a second vote be taken on the portion of the amendment dealing with lines 10-12, which request was granted.

Part 1 of **SA 1 to SA 6** was taken up.

Senator Ehlmann moved that Part 1 be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Part 2 of **SA 1** to **SA 6** was taken up.

Senator Ehlmann moved that Part 2 be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Stoll, **HCS** for **HB 889**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** and has again taken up and passed **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 343**, as amended: Representatives Treadway, Foley, O'Connor, Hegeman and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 852**: Representatives Hosmer, Gaw, Smith, Gibbons and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 401** and has again taken up and passed **SCS** for **HB 401**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCS** for **SCR 15**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the Department of Conservation has indicated it may support the reestablishment of wild elk herds in Missouri; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to fences and crops; and

WHEREAS, since the elk is the largest member of the cervidae (deer) family, the presence of wild elk herds may present a hazard to motorists:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to carefully study and consider any action toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the Director of the Department of Conservation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 20**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 326** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HAs 1, 2, 3, 4, 6 and 7** to **SB 294** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 196**, as amended: Representatives Rizzo, Scheve, Foley, Ross and Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 65**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 65**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 60**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 60**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SB 163**, entitled:

An Act to repeal section 170.011, RSMo 1994, relating to public schools instruction in the social sciences, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 20**, as amended: Senators Goode, Bentley, Flotron, Maxwell and Schneider.

President Pro Tem Quick appointed Senator Scott to replace Senator Quick on the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 343**, as amended.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SB 294**, as amended: Senators Staples, Quick, DePasco, Steelman and Graves.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 326**: Senators Goode, Howard, Kenney, Mathewson and Sims.

HOUSE BILLS ON THIRD READING

Senator Jacob moved that **HS** for **HB 516**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HB 516**, as amended, was again taken up.

Senator Childers offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by adding the following:

"Section 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability in an amount not to exceed one hundred fifty dollars for taxes paid on residential property owned and occupied by that taxpayer during the calendar year for which the income tax return is being filed. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Any credit claimed pursuant to this section shall be in lieu of, and not in addition to, any credit which the taxpayer may otherwise be eligible to claim, for the same taxable year, pursuant to section 135.020, RSMo."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Steelman offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section 143.111, Line 2, by deleting the word "and" and adding after "143.113", line 4, the following: "; **and**

(6) The deduction for elementary and secondary school tuition, attendance fees, school supplies, and transportation costs provided in section 143.122.

143.122. For all taxable years beginning on or after January 1, 2000, in addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition, attendance fees, school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 33** and was joined in his request by Senators Bentley, Childers, House and Steelman.

Senator Jacob requested a quorum be established by roll call.

On roll call the following Senators were present:

Present--Senators

Bentley Bland Caskey Childers

Clay DePasco Ehlmann Flotron

Goode Graves House Howard

Jacob Johnson Kenney Kinder

Mathewson Maxwell Mueller Quick

Rohrbach Russell Schneider Sims

Singleton Staples Steelman Stoll

Westfall Wiggins Yeckel--31

Absent--Senators

Banks Klarich Scott--3

Absent with leave--Senators--None

Senator Ehlmann offered **SA 1** to **SA 33**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 33

Amend Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.122, Line 8, by adding the following: "No resident taxpayer may take advantage of the provisions of this section unless the members of the school board of the school their child attends have all attended the school board training required by law."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** to **SA 33** was withdrawn.

SA 33 was again taken up.

Senator Mathewson assumed the Chair.

Senator DePasco announced that photographers from KOMU-TV and KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

Senator Schneider offered **SA 2** to **SA 33**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 33

Amend Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, insert at the end of the last printed line: "The provisions of this section is severable if a court finds this provision unenforceable for any reason."

Senator Schneider moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Jacob, **HS** for **HB 516**, with **SCS**, **SS** for **SCS**, **SA 33** and **SA 2** to **SA 33** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 20**, as amended: Representatives Schilling, Riback Wilson, Hosmer, Ostmann and Myers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 294**, as amended: Representatives Koller, Leake, Parker, Patek and Lograsso.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 326**: Representatives Harlan, Troupe,

Stokan, Richardson and Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 368**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HB 368**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 65**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 65

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Bill No. 65, with Senate Amendments Nos. 1, 2, 3 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 65, as amended;
2. That the House recede from its position on House Bill No. 65; and
3. The attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 65 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Scott /s/ Jim O'Toole

/s/ Jim Mathewson /s/ Bill Skaggs

/s/ Danny Staples /s/ Mary Hagan-Harrell

/s/ Walt Mueller /s/ T. Mark Elliott

/s/ Betty Sims /s/ Ken Legan

Senator Scott moved that the above conference committee report be adopted.

Senator Steelman offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 65**, as amended, and request the House to grant a further conference and that the Senate conferees be bound to remove the section on legislative pension increase, which motion failed.

Senator Scott moved that the conference committee report on **SS** for **SCS** for **HB 65**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Mueller	Quick	Schneider	Scott
Sims	Staples	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Maxwell
Rohrbach	Russell	Singleton	Steelman
Westfall--13			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Scott, **CCS** for **SS** for **SCS** for **HB 65**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 65

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160, 50.1170, 70.697, 86.254, 104.040, 104.344, 104.370, 104.380 and 104.610, RSMo 1994, sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140, 50.1180, 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810, 87.371, 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.517, 104.612, 104.620, 104.800, 169.010, 169.060, 169.070, 169.075, 169.560, 169.655, 287.815 and 476.520, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof ninety new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Schneider
Scott	Sims	Staples	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Maxwell	Rohrbach
Russell	Singleton	Steelman	Westfall--12
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach-- 1

Absent--Senator Singleton-- 1

Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Sims moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 885, regarding Joy Marie Wenger, Kirksville, which was adopted.

Senator Quick offered Senate Resolution No. 886, regarding Joseph Larry "Joe" Ragsdale, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 887, regarding Daniel Joseph "Danny" Ingels, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 888, regarding the Lee's Summit High School Marketing Education Program, which was adopted.

Senator Schneider offered Senate Resolution No. 889, regarding Kelly Yates, Columbia, which was adopted.

Senator Quick offered Senate Resolution No. 890, regarding Ryan Barth, Kearney, which was adopted.

Senator Quick offered Senate Resolution No. 891, regarding Seth Brackman, Kearney, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 11, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 443 entitled:

AN ACT

To repeal section 173.820, RSMo Supp. 1998, relating to Missouri college guarantee program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 11, 1999, I approved said Senate Bill No. 443.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

Senator Sims introduced to the Senate, Sam Beaver, Henry Brown, Carl Bruce, Andrew Cohen, Claire Colvin, Paul Cooper, Zane Donaho, Elizabeth Eby, Sarah Garvin, Molly Goldstein, Tyler Hall, Turner Holthaus, Peri Jones, Graham Kalish, Erin Kinsella, Sasha Kopp, David LeResche, Sean Lesser, Sara Meyer, Michael Murayama, Nicole Queathem, Jaci Rifkin, Sophie Sans and Alan Thomasson, fourth grade students from Wilson School, Clayton.

Senator Kenney introduced to the Senate, students from Cordell Mason Elementary School, Blue Springs; and Anthony Hopkins was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 12, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY--WEDNESDAY, MAY 12, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious Creator: As we continue the race to finish may we be productive with our time and activities, not hurrying, so that we are pleased with all we do and the accomplishments we have at the end of each day. In this way Lord, may we use Your gifts and guidance with maximum efficiency in the calling You have given to each of us and may You bless our efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended: Senators Howard, Bland, Johnson, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 368**, as amended: Senators Goode, Schneider, Maxwell, Russell and Westfall.

**THIRD READING OF
CONCURRENT RESOLUTIONS**

HCR 35, introduced by Representative Thompson (37th), et al, entitled:

AN ACT

Relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **HCR 35** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Clay	Stoll--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the concurrent resolution passed.

On motion of Senator DePasco, title to the concurrent resolution was agreed to.

Senator DePasco moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Maxwell moved that **SCS** for **SCR 15**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCS** for **SCR 15** was taken up.

Senator Johnson assumed the Chair.

Senator Maxwell moved that **HCS** for **SCS** for **SCR 15** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bland	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Caskey	Steelman--2		
	Absent--Senators		
Bentley	Quick--2		
	Absent with leave--Senators--None		

HCS for **SCS** for **SCR 15** was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators		
Caskey	Steelman--2		
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		

Senator Wiggins moved that **HCR 30**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 30** was taken up.

Senator Wiggins moved that **SCS** for **HCR 30** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HCR 30** was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		

THIRD READING OF CONCURRENT RESOLUTIONS

HCR 17, introduced by Representative Barnett, entitled:

AN ACT

Relating to the annexation of a portion of Northwest Missouri State University by the city of Maryville.

Was taken up by Senator Graves.

On motion of Senator Graves, **HCR 17** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senators--None			

The President declared the concurrent resolution passed.

On motion of Senator Graves, title to the concurrent resolution was agreed to.

Senator Graves moved that the vote by which the concurrent resolution passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Howard moved that **HCS** for **HCR 29**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCS** for **HCR 29** was taken up.

Senator Howard moved that **SCS** for **HCS** for **HCR 29** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HCS** for **HCR 29** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		

Absent with leave--Senators--None

Senator Clay moved that **HCS** for **HCRs 24** and **15**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCS** for **HCRs 24** and **15** was taken up.

Senator Clay moved that **SCS** for **HCS** for **HCRs 24** and **15** be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **HCS** for **HCRs 24** and **15** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

Senator Stoll moved that **SCR 13**, with **HA 1**, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Stoll offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Concurrent Resolution No. 13, Page 1021 of the Senate Journal for Sunday, May 2, 1999, Column 1, Line 2 of said column, by inserting after "members" the following: "of".

Senator Stoll moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Stoll moved that **HA 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins

Yeckel--30

NAYS--Senators--None

Absent--Senators

Clay	Flotron	Schneider	Scott--4
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Absent with leave--Senators--None

On motion of Senator Stoll, **SCR 13**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay	Scott--3	
	Absent with leave--Senators--None		

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 368**, as amended: Representatives Murray, Franklin, Green, Hartzler (123), Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended: Representatives Hollingsworth, Dougherty, Britt, Ross and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HS** for **HB 162** and has again taken up and passed **HS** for **HB 162**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 450**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 450**.

Emergency clause adopted.

HOUSE BILLS ON THIRD READING

Senator Jacob moved that **HS** for **HB 516**, with **SCS**, **SS** for **SCS**, **SA 33** and **SA 2** to **SA 33** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 to **SA 33** was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 33, as amended, was again taken up.

Senator Mathewson assumed the Chair.

Senator Jacob offered **SSA 1** for **SA 33**, as amended, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 3, Section 143.161, Line 20, by inserting after the period "." on said line the following: **"For all taxable years beginning after December 31, 1998, a resident may deduct two thousand five hundred dollars for each dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes."**

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Singleton and Westfall.

Senator Ehlmann raised the point of order that **SSA 1** for **SA 33** is out of order because it is not a true substitute amendment, stating that it could be offered at any time.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Flotron offered **SA 1** to **SSA 1** for **SA 33**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 33

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 1, Line 5, by inserting after the word "purposes." the following:

"Section 1. For all taxable years beginning on or after January 1, 2000, in addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition, attendance fees, school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent."

Senator Flotron moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 1** to **SSA 1** for **SA 33**, as amended, and was joined in his request by Senators Klarich, Howard, Westfall and Wiggins.

SA 1 to **SSA 1** for **SA 33** failed of adoption by the following vote:

YEAS--Senators

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Scott	Steelman	Wiggins	Yeckel--16

NAYS--Senators

Banks	Bentley	Bland	Caskey
Childers	House	Howard	Jacob

Johnson	Mathewson	Maxwell	Quick
Russell	Singleton	Staples	Stoll
Westfall--17			
	Absent--Senator Sims--1		
	Absent with leave--Senators--None		

SSA 1 for **SA 33** was again taken up.

Senator Jacob moved that the above substitute amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Singleton	Staples	Stoll
Westfall--17			
	NAYS--Senators		
DePasco	Ehlmann	Flotron	Goode
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Scott	Steelman	Wiggins	Yeckel--16
	Absent--Senator Sims--1		
	Absent with leave--Senators--None		

Senator Jacob moved that **SS** for **SCS** for **HS** for **HB 516**, as amended, be adopted, which motion prevailed.

On motion of Senator Jacob, **SS** for **SCS** for **HS** for **HB 516**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Steelman--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 450**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 450

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 450, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 450;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Joe Maxwell
 /s/ Wayne Goode
 /s/ Ed Quick
 /s/ Sam Graves
 /s/ Anita Yeckel

FOR THE HOUSE:

/s/ Randall Relford
 /s/ Rita Days
 /s/ Gary Wiggins
 /s/ Jim Graham
 /s/ Emmy McClelland

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators	
Flotron	Rohrbach--2	
	Absent--Senators	
Banks	Graves	Quick--3
	Absent with leave--Senators--None	

On motion of Senator Maxwell, **CCS** for **SS** for **SCS** for **HS** for **HB 450**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 450

An Act to repeal sections 8.380, 8.420, 70.240, 245.060, 249.470, 249.645, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 204.300, 247.030, 247.040, 644.031 and 644.509, RSMo Supp. 1998, and to enact in lieu thereof forty-three new sections relating to public infrastructure, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Rohrbach--1		
	Absent--Senator Jacob--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators		
Rohrbach	Singleton--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 196**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 196

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 196, with House Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 196, as amended;
2. That the Senate recede from its position on Senate Bill No. 196; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 196, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Ronnie DePasco
/s/ John E. Scott
/s/ Marvin Singleton
/s/ Walt Mueller
/s/ Danny Staples

FOR THE HOUSE:

/s/ Henry Rizzo
/s/ Carson Ross
/s/ Carl W. Vogel
/s/ May Scheve
/s/ Jim Foley

Senator DePasco moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator DePasco, **CCS** for **HCS** for **HB 196**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE

FOR SENATE BILL NO. 196

An Act to repeal sections 86.450, 86.457 and 105.691, RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 191, with **SCS**, introduced by Represen-tative Dougherty, et al, entitled:

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Maxwell.

SCS for **HB 191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 191

An Act to repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 191** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HB 191**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 191

An Act relating to cancer.

Senator Maxwell moved that **SS** for **SCS** for **HB 191** be adopted.

Senator Wiggins assumed the Chair.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 4, Line 17, by inserting after all of said line the following:

"5. 1. The attending physician shall make available to any patient the advantages, disadvantages, and risks including cancer associated with breast implantation prior to such operation as provided by the department of health.

2. The department of health shall:

(1) Make available a standardized written summary that would be clear to a prudent lay person that:

(a) Contains general information on breast implantation; and

(b) Discloses potential dangers and side effects of a breast implantation operation;

(2) Update the standardized written summary as deemed necessary by the department of health; and

(3) By January 1, 2000, the department shall make available the standardized written summary to all hospitals, clinics, and physicians' offices that perform breast implantation.

3. The attending physician satisfies the requirements of subsection 1 of this section if:

(1) The physician provides the breast implantation patient with the standardized written summary described in subsection 2 of this section;

(2) The patient receives the standardized written summary at least five days before the breast implantation operation; and

(3) The patient signs a statement, made available by the department of health, acknowledging the patient's receipt of the standardized written summary.

4. Nothing in this section shall alter, impair or otherwise affect other claims, rights or remedies available pursuant to law.

5. Failure of the department of health to make the summary available, as described in subsection 2 of this section, shall be an affirmative defense for the attending physician."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the Title, Line 1, by striking the word "cancer" and inserting in lieu thereof the following: "public health"; and

Further amend said bill and page, section 1, line 1, by inserting immediately before said line the following:

"103.083. The board shall provide or contract, or both, on its own behalf, for medical benefits coverage and services for persons covered under sections 103.003 to 103.175 and enrolled in the plan; **provided however, that such provision or contract, or both shall be:**

(1) Made or renewed for a term no longer than twenty-four (24) months; and

(2) The proposals for medical benefits coverage and services of persons covered pursuant to sections 103.003 to 103.175, and enrolled in the plan, shall be based upon actuarial analysis and retrospective loss experience of the participating member agencies enrolled in the plan. The board may contract for medical benefits coverage with alternative delivery health care programs where available. Medical expenses shall also include expenses for comparable benefits for employees who rely solely on spiritual means through prayer for healing.

103.130. Each participating member agency may elect by majority vote of its governing body, to join the plan and cover its employees, retirees, and their dependents under the plan as follows:

(1) The clerk or secretary of the participating member agency shall certify the election to the board within ten working days after the vote of the governing body;

(2) The board shall establish a procedure for considering the election of the agencies. Acceptance of the agency into the plan shall be by action of the board and shall be based upon an actuarial analysis [or any other determination that the board deems appropriate] of the agency's experience, and the impact of such experience upon the health care plans providing coverage to the Missouri consolidated health care plan, if said agency is accepted into the plan;

(3) The agency shall supply all available information requested by the board that is necessary to complete an actuarial analysis of the agency and make a determination of the fiscal impact that inclusion of the agency would have on the plan;

(4) The effective date of the participating member agency's coverage will be the first day [of the month so requested by

the agency and approved by the board] **of the year following open enrollment and acceptance of the application of an agency pursuant to this section, to be accepted into the plan;**

(5) The participating member agency must offer coverage under the plan to all of its eligible employees, retirees, and dependents;

(6) The provisions of this section shall not authorize a contractor or provider to recover retroactively any losses sustained prior to January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 2** is out of order because it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

President Wilson assumed the Chair.

Senator Johnson moved that the above amendment be adopted, which motion failed.

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 1, Line 17, by adding the following after line 17:

"Section 2. The Department of Insurance shall create an advisory committee to be known as the "Health Insurance Advisory Committee." This committee shall be a voluntary committee comprised of representatives of the insurance industry, provider groups and the public. The committee shall consist of at least, but not limited to, one member representing each of the following areas: small group insurance, managed care, doctors of medicine, doctors of osteopathy, pharmacists, dentists and public members representing self employed workers and the elderly. This committee shall meet to discuss and advise the Department on issues relating to health care insurance."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the Title, Line 2, by striking the word "cancer" and inserting in lieu thereof the following: "health services, with an expiration date for certain sections"; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"376.779. 1. All group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not for profit health service corporation, all self-insured group health benefit plans, of any type or description, and all such health plans or policies that are individually underwritten or provide for such

coverage for specific individuals and the members of their families as nongroup policies, which provide for hospital treatment, shall provide coverage, while confined in a hospital or in a residential or nonresidential facility certified by the department of mental health, for treatment of alcoholism on the same basis as coverage for any other illness, except that coverage may be limited to thirty days in any policy or contract benefit period. All Missouri group contracts issued or renewed, and all Missouri individual contracts issued on or after December 31, 1980, shall be subject to this section. Coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment of reimbursement prerequisites under the policy or contract.

2. [Every insurance company and health services corporation doing business in this state shall offer in all such policies or contracts referred to in subsection 1, benefits for chemical dependency and drug addiction which cover the following:

(1) Residential treatment programs as certified by the department of mental health;

(2) Nonresidential treatment programs certified by the department of mental health. The benefits in this subsection may be limited to eighty percent of the reasonable and customary charges for such services up to a maximum benefit of two thousand dollars during each policy or contract benefit period. Said offer may be accepted or rejected by the group or individual policyholder or contract holder or at their election they may take or purchase either or both of the benefits set out in subdivision (1) or (2); provided, however, that nothing in this section shall prohibit the insurance company and health services corporation from including all or part of the coverage set forth in this section as standard coverage in their policies or contracts issued in this state.

3.] Insurers, corporations or groups providing coverage may approve for payment or reimbursement vendors and programs providing services or treatment required by this section. Any vendor or person offering services or treatment subject to the provisions of this section and seeking approval for payment or reimbursement shall submit to the department of mental health a detailed description of the services or treatment program to be offered. The department of mental health shall make copies of such descriptions available to insurers, corporations or groups providing coverage under the provisions of this section. Each insurer, corporation or group providing coverage shall notify the vendor or person offering service or treatment as to its acceptance or rejection for payment or reimbursement; provided, however, payment or reimbursement shall be made for any service or treatment program certified by the department of mental health. Any notice of rejection shall contain a detailed statement of the reasons for rejection and the steps and procedures necessary for acceptance. Amended descriptions of services or treatment programs to be offered may be filed with the department of mental health. Any vendor or person rejected for approval of payment or reimbursement may modify their description and treatment program and submit copies of the amended description to the department of mental health and to the insurer, corporation or group which rejected the original description.

[4.] **3.** The department of mental health may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] **4.** All substance abuse treatment programs in Missouri receiving funding from the Missouri department of mental health must be certified by the department.

376.810. As used in sections 376.810 to 376.814, the following terms mean:

(1) "Chemical dependency", the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) "Community mental health center", a legal entity certified by the department of mental health or accredited by a nationally recognized organization, through which a comprehensive array of mental health services are provided to individuals;

(3) "Day program services", a structured, intensive day or evening treatment or partial hospitalization program,

certified by the department of mental health or accredited by a nationally recognized organization;

(4) "Episode", a distinct course of chemical dependency treatment separated by at least thirty days without treatment;

(5) "Health insurance policy", all group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not for profit health services corporation, all self-insured group health benefit plans of any type or description to the extent that regulation of such plans is not preempted by federal law, and all such health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families as nongroup policies, which provide for hospital treatment. For the purposes of subsection 2 of section 376.811, "health insurance policy" shall also include any group or individual contract issued by a health maintenance organization. The provisions of sections 376.810 to 376.814 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(6) "Licensed professional", a licensed physician specializing in the treatment of mental illness, a licensed psychologist, a licensed clinical social worker or a licensed professional counselor. **Only prescription rights under this act shall apply to medical physician's and doctors of osteopathy;**

(7) "Managed care", the determination of availability of coverage under a health insurance policy through the use of clinical standards to determine the medical necessity of an admission or treatment, and the level and type of treatment, and appropriate setting for treatment, with required authorization on a prospective, concurrent or retrospective basis, sometimes involving case management;

(8) "Medical detoxification", hospital inpatient or residential medical care to ameliorate acute medical conditions associated with chemical dependency;

(9) "Nonresidential treatment program", program certified by the department of mental health involving structured, intensive treatment in a nonresidential setting;

(10) "Recognized mental illness", those conditions classified as "mental disorders" in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, but shall not include mental retardation;

(11) "Residential treatment program", program certified by the department of mental health involving residential care and structured, intensive treatment;

(12) "Social setting detoxification", a program in a supportive nonhospital setting designed to achieve detoxification, without the use of drugs or other medical intervention, to establish a plan of treatment and provide for medical referral when necessary.

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies, benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

(4) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

(5) The coverages set forth in this subsection shall be:

- (a) Subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;
 - (b) Administered pursuant to a managed care program established by the insurance company or health services corporation; and
 - (c) Covered services may be delivered through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.
2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:
- (1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;
 - (2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;
 - (3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;
 - (4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and
 - (5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.
3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.
4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, or licensed clinical social worker acting within the scope of such license and under the following minimum standards:
- (1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and
 - (2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contractholder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.835.

376.825. Sections 376.825 to 376.835 shall be known and may be cited as the "Mental Health and Chemical Dependency Insurance Act".

376.826. For the purposes of sections 376.825 to 376.835 the following terms shall mean:

(1) "Director", the director of the department of insurance;

(2) "Health insurance policy" or "policy", all group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not for profit health services corporation, all self-insured group health benefit plans of any type or description to the extent that regulation of such plans is not preempted by federal law, and all such health insurance policies or contracts that are individually underwritten or provide such coverage for specific individuals and members of their families as nongroup policies, which provide for hospital treatments. The term shall also include any group or individual contract issued by a health maintenance organization. The provisions of sections 376.825 to 376.835 shall not apply to policies which provide coverage for a specified disease only, other than for mental illness or chemical dependency;

(3) "Insurer", an entity licensed by the department of insurance to offer a health insurance policy;

(4) "Mental illness", the following disorders contained in the International Classification of Diseases (ICD-9-CM):

(a) Schizophrenic disorders and paranoid states (295 and 297, except 297.3);

(b) Major depression, bipolar disorder, and other affective psychoses (296);

(c) Obsessive compulsive disorder, post-traumatic stress disorder and other major anxiety disorders (300.0, 300.21, 300.22, 300.23, 300.3 and 309.81);

(d) Early childhood psychoses, and other disorders first diagnosed in childhood or adolescence (299.8, 312.8, 313.81 and 314);

(e) Alcohol and drug abuse (291, 292, 303, 304, and 305, except 305.1); and

(f) Anorexia nervosa, bulimia and other severe eating disorders (307.1, 307.51, 307.52 and 307.53);

(g) Senile organic psychotic conditions (290);

(5) "Rate", "term", or "condition", any lifetime limits, annual payment limits, episodic limits, inpatient or outpatient service limits, and out-of-pocket limits. This definition does not include deductibles, copayments, or coinsurance prior to reaching any maximum out-of-pocket limit. Any out-of-pocket limit under a policy shall be comprehensive for coverage of mental illness and physical conditions.

376.827. 1. Nothing in this bill shall be construed as requiring the coverage of mental illness.

2. Except for the coverage required pursuant to subsection 1 of section 376.779, and the offer of coverage required pursuant to sections 376.810 through 376.814, if any of the mental illness disorders enumerated in subdivision (4) of section 376.826 are provided by the health insurance policy, the coverage provided shall include all the disorders enumerated in subdivision (4) of section 376.826 and shall not establish any rate, term,

or condition that places a greater financial burden on an insured for access to evaluation and treatment for mental illness than for access to evaluation and treatment for physical conditions, generally, except that alcohol and other drug abuse services shall have a minimum of thirty days total inpatient treatment and a minimum of twenty total visits for outpatient treatment for each year of coverage. A lifetime limit equal to four times such annual limits may be imposed. The days allowed for inpatient treatment can be converted for use for outpatient treatment on a two-for-one basis.

3. Deductibles, copayment or coinsurance amounts for access to evaluation and treatment for mental illness shall not be unreasonable in relation to the cost of services provided.

4. A health insurance policy that is a federally qualified plan of benefits shall be construed to be in compliance with sections 376.825 to 376.833 if the policy is issued by a federally qualified health maintenance organization and the federally qualified health maintenance organization offered mental health coverage as required by sections 376.825 to 376.833. If such coverage is rejected, the federally qualified health maintenance organization shall, at a minimum, provide coverage for mental health services as a basic health service as required by the Federal Public Health Service Act, 42 U.S.C. Section 300e., et seq.

5. Health insurance policies that provide mental illness benefits pursuant to sections 376.825 to 376.835 shall be deemed to be in compliance with the requirements of subsection 1 of section 376.779.

6. The director may disapprove any policy that the director determines to be inconsistent with the purposes of this section.

376.828. 1. The coverages set forth in sections 376.825 to 376.835 may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more licensed and certified providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. An insurer may use a case management program for mental illness benefits to evaluate and determine medically necessary and clinically appropriate care and treatment for each patient.

3. Nothing in sections 376.825 to 376.835 shall be construed to require a managed care plan as defined by section 354.600, RSMo, when providing coverage for benefits governed by sections 376.825 to 376.835, to cover services rendered by a provider other than a participating provider, except for the coverage pursuant to subsection 4 of section 376.811, RSMo. An insurer may contract for benefits provided in sections 376.825 to 376.835 with a managing entity or group of providers for the management and delivery of services for benefits governed by sections 376.825 to 376.835.

376.829. 1. The provisions of section 376.827 shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;**
- (2) Services rendered or billed by a school or halfway house;**
- (3) Care that is custodial in nature;**
- (4) Services and supplies that are not medically necessary nor clinically appropriate; or**
- (5) Treatments that are considered experimental.**

2. The director shall grant a policyholder a waiver from the provisions of section 376.827 if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that

compliance with sections 376.825 to 376.835 has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder.

376.833. 1. The provisions of sections 376.825 to 376.835 apply to applications for coverage made on or after January 1, 2000, and to health insurance policies issued or renewed on or after such date to residents of this state. Multi-year group policies need not comply until the expiration of their current multi-year term unless the policyholder elects to comply before that time.

2. The director shall perform a study to assess the impact of the mental health and substance abuse insurance act on insurers, business interests, providers, and consumers of mental health and substance abuse treatment services. The director shall report the findings of this study to the general assembly by January 1, 2004.

376.835. Notwithstanding the provision of subsection 1 of section 376.827, all health insurance policies which cover state employees including the Missouri consolidated health care plan shall include coverage for mental illness. Multi-year group policies need not comply until the expiration of their current multi-year term unless the policyholder elects to comply before that time.

630.003. 1. There is hereby created a department of mental health to be headed by a mental health commission who shall appoint a director, by and with the advice and consent of the senate. The director shall be the administrative head of the department and shall serve at the pleasure of the commission and be compensated as provided by law for the director, division of mental health.

2. The mental health commission may employ no more than three additional persons to serve at the pleasure of the commission.

3. All other employees of the department shall be selected in accordance with chapter 36, RSMo.

[2.] **4. (1) The "State Mental Health Commission", composed of seven members, is the successor to the former state mental health commission and it has all the powers, duties and responsibilities of the former commission. All members of the commission shall be appointed by the governor, by and with the advice and consent of the senate. None of the members shall otherwise be employed by the state of Missouri.**

(2) Three of the commission members first appointed shall be appointed for terms of four years, and two shall be appointed for terms of three years, and two shall be appointed for a term of two years. The governor shall designate, at the time the appointments are made, the length of the term of each member so appointed. Thereafter all terms shall be for four years.

(3) At least two of the members of the commission shall be physicians, one of whom shall be recognized as an expert in the field of the treatment of nervous and mental diseases, and one of whom shall be recognized as an expert in the field of mental retardation or of other developmental disabilities. At least two of the members of the commission shall be representative of persons or groups who are consumers having substantial interest in the services provided by the division, one of whom shall represent the mentally retarded or developmentally disabled and one of whom shall represent those persons being treated for nervous and mental diseases. Of the other three members at least one must be recognized for his expertise in general business management procedures, and two shall be recognized for their interest and expertise in dealing with alcohol/drug abuse problems, or community mental health services.

[3.] 5. The provisions of sections 191.120, 191.125, 191.130, 191.140, 191.150, 191.160, 191.170, 191.180, 191.190, 191.200, 191.210, RSMo, and others as they relate to the division of mental health not previously reassigned by executive reorganization plan number 2 of 1973 as submitted by the governor under chapter 26, RSMo, are transferred by specific type transfer from the department of public health and welfare to the department of mental health. The division of mental health, department of health and welfare, chapter 202, RSMo, and others are abolished and all powers, duties and functions now assigned by law to the division, the director of the divisions of mental health or any of the institutions or officials of the division are transferred by type I transfer to the department of mental health.

[4.] 6. The Missouri institute of psychiatry, which is under the board of curators of the University of Missouri is

hereafter to be known as the "Missouri Institute of Mental Health". The purpose of the institute will be that of conducting research into improving services for persons served by the department of mental health for fostering the training of psychiatric residents in public psychiatry and for fostering excellence in mental health services through employee training and the study of mental health policy and ethics. To assist in this training, hospitals operated by and providers contracting with the department of mental health may be used for the same purposes and under the same arrangements as the board of curators of the University of Missouri utilizes with other hospitals in the state in supervising residency training for medical doctors. Appropriations requests for the Missouri institute of mental health shall be jointly developed by the University of Missouri and the department of mental health. All appropriations for the Missouri institute of mental health shall be made to the curators of the University of Missouri but shall be submitted separately from the appropriations of the curators of the University of Missouri.

[5.] **7.** There is hereby established within the department of mental health a division of mental retardation and developmental disabilities. The director of the division shall be appointed by the director of the department. The division shall administer all state facilities under the direction and authority of the department director. The Marshall Habilitation Center, the Higginsville Habilitation Center, the Bellefontaine Habilitation Center, the Nevada Habilitation Center, the St. Louis Developmental Disabilities Treatment Centers, and the regional centers located at Albany, Columbia, Hannibal, Joplin, Kansas City, Kirksville, Poplar Bluff, Rolla, St. Louis, Sikeston and Springfield and other similar facilities as may be established, are transferred by type I transfer to the division of mental retardation and developmental disabilities.

[6.] **8.** All the duties, powers and functions of the advisory council on mental retardation and community health centers, sections 202.664 to 202.666, RSMo, are hereby transferred by type I transfer to the division of mental retardation and developmental disabilities of the department of mental health. The advisory council on mental retardation and community health centers shall be appointed by the division director.

[7.] **9.** The advisory council on mental retardation and developmental disabilities heretofore established by executive order and all of the duties, powers and functions of the advisory council including the responsibilities of the provision of the council in regard to the Federal Development Disabilities Law (P.L. 91-517) and all amendments thereto are transferred by type I transfer to the division of mental retardation and developmental disabilities. The advisory council on mental retardation and developmental disabilities shall be appointed by the director of the division of mental retardation and developmental disabilities.

[8.] **10.** The advisory council on alcoholism and drug abuse, chapter 202, RSMo, is transferred by type II transfer to the department of mental health and the members of the advisory council shall be appointed by the mental health director.

Section B. The provisions of sections 376.825 to 376.835 shall expire on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 1, In the Title, Line 2, by striking the word "cancer" and inserting in lieu thereof the following; "public health"; and further amend said bill and page, section 1, line 13, by inserting immediately after said line the following:

"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use a standardized form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

2. The standardized form developed by the task force as established in section 376.1408 shall contain the

following:

- (1) The name of the insured;**
- (2) The insured's identification number;**
- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**
- (6) The amount paid and any balance due;**
- (7) The procedure code;**
- (8) The patient's full name; and**
- (9) The phone number and name of whom to contact for questions on explanation of benefits.**

3. All health insurance carriers shall use the standard explanation of benefits form after January 1, 2002.

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provide of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by sections 376.1400 and 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry; and**

(3) Three members from the general public.

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 191, Page 2, Section 1, Line 17, by inserting after all of said line the following:

"Section 2. Nothing in section 376.1361, RSMo, shall require a health carrier to pay for services which were authorized through utilization review for precertification, if the services are not otherwise covered under the health benefit plan."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Maxwell, **HB 191**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 892, regarding Nicole Conant, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 893, regarding Matthew Tollerton, Laclede, which was adopted.

Senator Sims offered Senate Resolution No. 894, regarding Marilyn Cooper, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 895, regarding the Newburg High School Lady Wolves 1-A Girls Basketball Team, which was adopted.

On motion of Senator DePasco, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

Senator DePasco announced that photographers from the Senate had been given permission to film in the upper gallery and that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 903, introduced by Representative Auer, entitled:

An Act to repeal sections 376.431, 376.432, 376.436, 376.438 and 376.441, RSMo 1994, relating to group health insurance, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 903** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Goode	Schneider--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 926, introduced by Representatives Liese and Ward, entitled:

An Act to repeal section 375.1518, RSMo Supp. 1998, relating to life insurance policies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

Senator Mathewson assumed the Chair.

On motion of Senator Jacob, **HB 926** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 61**, entitled:

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof eight new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Pages 8 to 10, Section 226.525, by deleting all of said section and inserting in lieu thereof the following:

"226.525. **1.** The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission.

(2) Such official signs shall be limited in content to the name of the attraction and necessary travel information.

(3) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest.

(4) The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

2. The commission shall adopt rules to implement a program for the erection and maintenance of tourist-oriented directional signs within the right-of-way of state highways in the state. The tourist-oriented directional signs shall provide business identification and directional information for natural attractions and activities which, during a normal business season, derive a major portion of the income and visitors for the business or activity from motorists not residing in the immediate area of the business or activity. Natural attractions and activities eligible for such tourist-oriented directional signs shall include, but not be limited to, caves, museums, wineries, antique business districts, tourist-oriented boats with live entertainment located in any county of the first classification with a charter form of government and having a population of more than two hundred ten thousand but less than six hundred thousand inhabitants and tourist-oriented directional signs indicating the location of any veterans' memorial located at any college in such county provided that such signs are located on a highway known as the "Veterans' Memorial Highway" in any county of the first classification with a population of more than one hundred seventy thousand inhabitants but less than two hundred thousand

inhabitants."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 19, Section 226.540, Line 16, by inserting after all of said line the following:

"226.545. **1.** Notwithstanding any other provision of sections 226.500 to 226.600, outdoor advertising signs lawfully in existence on October 22, 1965, determined by agreement between the state highways and transportation commission and the Secretary of Transportation to be landmark signs, including signs on farm structures or natural surfaces, of historical or artistic significance may be maintained.

2. Any sign determined to be a landmark sign pursuant to subsection 1 of this section may be modified if:

(1) Such landmark:

(a) No longer exists;

(b) Is no longer operated as a natural, historical or other landmark by any public or private entity;

(c) Has changed from being publicly operated to privately operated; or

(d) Is no longer operated as a natural, historic or other landmark and is instead operated as a business;

(2) Such modification does not involve the alteration of the size, length, width or depth of any portion of the sign or the mechanism supporting such sign; and

(3) Such modification alters only the wording of such sign for purposes of showing the changes described in subdivision (1) of this subsection."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after said line the following new section:

"Section 1. The portion of state highway 13 in Caldwell county shall be named "The Zach Wheat Memorial Highway."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Section 536.029, Line 1, by inserting after all of said lines the following:

"Section 1. 1. Notwithstanding any other provision of law to the contrary:

(1) Seasonal advertising signs may be displayed, erected and maintained in the appropriate season on any federal highway; and

(2) Year-round advertising signs may be displayed, erected and maintained all year on any lettered state highway.

2. The signs described in subsection 1 of this section shall be within six hundred sixty feet of the nearest edge of

the right-of-way, and such signs shall also be no larger than four feet in height and eight feet in length."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 24, Line1, by inserting after all of said line the following:

"Section 1. The portion of United States highway 36 within any county of the third classification with a township form of government and having a population of more than thirteen thousand but less than fifteen thousand inhabitants shall be designated the "V.F.W. Memorial Highway"."; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 335**, entitled:

An Act to repeal sections 1.160, 217.760, 513.653, 558.011, 569.025 and 569.035, RSMo 1994, and sections 21.455, 558.019, 559.021, 559.026, 559.115, 559.630, 559.633, 559.635, 570.040 and 577.023, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof seventeen new sections relating to the same subject, with an expiration date for certain sections and penalty provisions.

With House Amendments Nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendments Nos. 15, 16, 17, 18, 19, 20 and 21.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 513.653, Line 19, by striking all of said section and inserting in lieu thereof the following:

"513.653. Law enforcement agencies involved in using the federal forfeiture system under federal law shall be required at the end of their respective fiscal year to acquire an independent audit, subject to standards promulgated by the state auditor which shall take into account adequate measures to protect the confidentiality of any law enforcement activities involved in the federal seizures, of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body and to the department of public safety. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures. The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section. Any law enforcement agency which has not complied with the provisions of this section shall acquire audits for the years in which they have not filed as required by this section."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 31, Section 577.023, Line 11, by inserting at the end of said section:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, received an execution of sentence for, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state, **or is a nonresident but is employed or attends school in this state, who was required to register as an offender in any other state or** who has, since July 1, 1979, or is hereafter convicted of, **received an execution of sentence for**, been found guilty of, or pled guilty or nolo contendere in any other state or under federal **or military** jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register, **in person**, with the chief law enforcement official of the county in which such person resides. **Any person registered pursuant to sections 589.400 to 589.425 shall also register within ten days with the chief law enforcement official of the county in which such person is employed, any county in which such person attends school and any jurisdiction in which such person intends to be or is present for ten or more days within any twelve-month period.** The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The chief law enforcement official shall notify and forward a copy of the registration information and related fingerprints and photographs to the appropriate official in another state upon notification that the registrant has moved or will be moving to such other state.

4. Any person required to register pursuant to this section shall notify the chief law enforcement official of the date of changing residence within ten days of removing such person's residence from the county.

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the central repository within ten days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

2. The department of public safety shall develop and maintain a system for making the registry of persons who are required to register pursuant to sections 589.400 to 589.425 available on its Internet Web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; date and place of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.

3. The provisions of subsection 2 of this section shall expire August 28, 2005.

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, **including those receiving an execution of sentence**, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.; and

Further amend said bill, page 32, line 16, section 3, by inserting immediately after said line the following:

"Section 4. Any court, upon a plea of guilty or conviction of a crime that the defendant will be required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall enter into the record the age of the victim.

Section 5. No person required to register pursuant to the provisions of sections 589.400 to 589.425, RSMo, shall be granted probation or parole without such registration being a condition of such probation or parole."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Line 16, by inserting after the number "2000." two new sections:

589.401. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit an offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state and has been or is required to register in another state or has been or is required to register under federal or military law

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full or on a part-time basis in Missouri. Part-time in this subsection means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested.

Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

589.411. The chief law enforcement official shall forward the completed offender registration form to the Missouri State Highway Patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 589.414:

"589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person **shall appear in person and** shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 through 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri State Highway Patrol of the change. When the registrant is changing residence to a new state the Missouri State Highway Patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **under the definitions found in section 558.018;**

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. Part-time in this subsection means for more than fourteen days in any twelve-month period."; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 589.425:

"589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and does not meet all requirements of 589.400 to 589.425 is guilty of a class A misdemeanor.

[1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;

is guilty of a class A misdemeanor.]

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.";

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16, by inserting after all of said line the following:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is [seven hundred fifty] **five hundred** dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

- (b) Any will or unrecorded deed affecting real property; or
- (c) Any credit card or letter of credit; or
- (d) Any firearms; or
- (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
- (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
- (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
- (h) Any book of registration or list of voters required by chapter 115, RSMo; or
- (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
- (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
- (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than [one hundred fifty] **five hundred** dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony.

5. The theft or attempted theft of [any amount of] anhydrous ammonia is a class D felony if the amount has a value of less than five hundred dollars, otherwise it is a class C felony.

[5.] 6. Stealing is a class D felony if the value of the property or services appropriated is less than five hundred dollars and more than two hundred fifty dollars.

7. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds [seven hundred fifty] **five hundred** dollars may be considered a separate felony and may be charged in separate counts.

[6.] 8. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

[7.] 9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Pages 31-32, Section 577.023, Lines 11-16, by inserting after all of said line the following:

"577.069. 1. No person shall knowingly leave the scene where a serious physical injury as defined in section 565.002, RSMo, or death has occurred due to an accident [or] involving or caused by the negligence of that person, without giving such person's name, address and driver's license number, if applicable, to a law enforcement officer or emergency medical personnel. If no such officer or emergency medical personnel are in the vicinity, the person shall provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if the person leaves the scene in order to obtain medical assistance or

contact law enforcement authorities to notify them of the accident, or the victim requests that no assistance be given.

2. All peace officers and reserve peace officers certified pursuant to the provisions of chapter 590, RSMo, shall have authority to investigate serious physical injury as defined in section 565.002, RSMo, or death, which has occurred due to an accident or negligence of a person, and arrest a person who violates subsection 1 of this section, except that authorized agents of the commission as defined in section 252.020, RSMo, may enforce such provisions related to hunting accidents. For the purpose of this section, a hunting accident shall be defined as any accident in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon and does not occur within a residential area.

3. Leaving the scene where a serious physical injury as defined in section 565.002, RSMo, or death, has occurred due to an accident or negligence of a person, is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18, by inserting after all of said section the following:

"407.020. 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or

(2) Any institution or company that is under the direction and supervision of the director of the department of insurance, **director of the division of credit unions**, or director of the division of finance, unless the directors of such divisions specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class D felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

5. It shall be an unlawful practice for any long-term care facility, as defined in section 660.600, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which makes, either orally or in writing representation to residents, prospective residents, their families or representatives, regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of

care, to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 660.600, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court."; and

FURTHER amend said bill, section 3, page 32, line 16 by inserting after all of said line the following:

Section 4. As used in sections 4 to 9 of this act, the following terms shall mean:

- (1) "Advertisement", as defined in section 407.010, RSMo;**
- (2) "Consumer", a natural person who purchases, may purchase or is solicited for purchase of merchandise or an investment opportunity by a telemarketer through telemarketing;**
- (3) "Fictitious name", any name, other than the legal name, used by a seller or telemarketer;**
- (4) "Investment opportunity", anything tangible or intangible that is offered for sale, sold or traded based wholly or in part on representations, either express or implied, about past, present or future income, profit or appreciation;**
- (5) "Material aspect or element", any factor likely to significantly influence the consumer's choice of, or conduct regarding, merchandise;**
- (6) "Prize", anything offered or purportedly offered or given or purportedly given to a consumer by chance. For purposes of this definition, chance exists if a consumer is guaranteed to receive anything of value and, at the time of the offer or purported offer, the telemarketer does not identify the specific item that the consumer will receive;**
- (7) "Promptly", immediately at the beginning of any call initiated by a telemarketer to a consumer;**
- (8) "Seller", any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide merchandise to the consumer in exchange for consideration;**
- (9) "Telemarketing", a plan, program or campaign which is conducted to induce the purchase or lease of merchandise by use of one or more telephones and which involves more than one telephone call;**
- (10) "Telemarketer", any person who, in connection with telemarketing, initiates or receives telephone calls to or from a consumer. A telemarketer includes, but is not limited to, any such person that is an owner, operator, officer, director or partner to the management activities of a business.**

Section 5. 1. A telemarketer shall disclose, promptly and in a clear and conspicuous manner, to the consumer receiving the telephone call the following:

- (1) That the purpose of the telephone call is to make a sale;**
- (2) The telemarketer's identifiable name and the seller on whose behalf the solicitation is being made;**
- (3) The nature of the merchandise or investment opportunity being sold; and**
- (4) That no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered. This disclosure must be made before or in conjunction with the description of the prize to the consumer called.**

2. Before a consumer pays for merchandise offered for sale through telemarketing, the telemarketer shall disclose, in a clear and conspicuous manner, the following:

- (1) The seller or telemarketer's identifiable name and the address or telephone number where the seller or telemarketer can be reached;**
- (2) The total cost and quantity of the merchandise that are the subject of the telemarketing sales call;**
- (3) Any material restriction, limitation or condition to purchase, receive or use the merchandise that is the subject of a telemarketing sales call;**
- (4) Any material aspect of the nature or terms of the refund, cancellation, exchange or repurchase policies, including the absence of such policies;**
- (5) Any material aspect of an investment opportunity being offered, including benefits, the price of the land or other investment, and the location of the investment;**
- (6) Any material elements of a prize promotion, including:**
 - (a) A description of the prize;**
 - (b) Its market value;**
 - (c) All material conditions to receive or redeem the prize;**
 - (d) The actual number of each prize to be awarded;**
 - (e) The odds of being able to receive the prize and, if the odds are not calculable in advance, the factors and methods used in calculating the odds and the maximum number of opportunities to enter the prize promotion that are to be offered;**
 - (f) That no purchase or payment of any kind is required to win a prize or to participate in a prize promotion;**
 - (g) The no-purchase or no-payment method of participating in the prize promotion, with either instructions on how to participate or an address or local or toll-free telephone number to which consumers may write or call for information on how to participate. If requested by the consumer, the telemarketer shall disclose the no-purchase or no-payment method of participating in the prize promotion; and**
 - (h) The date by which the prize will be awarded.**

3. A telemarketer may not misrepresent any material aspect of the performance, quality, efficacy, nature or basic characteristics of merchandise that is the subject of a telemarketing sales call.

Section 6. It is an unlawful telemarketing act or practice for any seller or telemarketer to engage in the following conduct:

- (1) Omit or misrepresent any material fact required pursuant to section 5 of this act;**
- (2) Threaten, intimidate or use profane or obscene language;**
- (3) Cause the telephone to ring or engage any consumer in telephone conversation, repeatedly or continuously in a manner a reasonable consumer would deem to be annoying, abusive or harassing;**
- (4) Knowingly and willfully initiate a telemarketing call to a consumer, or transfer or make available to others for telemarketing purposes a consumer's telephone number when that consumer has stated previously that he or she does not wish to receive solicitation calls by or on behalf of the seller unless such request has been**

rescinded;

(5) Engage in telemarketing to a consumer's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time, at the called consumer's location;

(6) Request or receive payment in advance to remove derogatory information from or improve a consumer's credit history, credit record or credit rating;

(7) Request or receive payment in advance from a consumer, to recover or otherwise aid in the return of money or any other item lost by the consumer in a prior telemarketing transaction, except that this provision shall not apply to services provided by a licensed attorney;

(8) Obtain or submit for payment a check, draft or other form of negotiable paper drawn on a consumer's checking, savings, share or similar account without the consumer's express written or oral authorization. Such authorization shall be deemed verifiable if any of the following means are employed:

(a) Express written authorization by the consumer, which may include the consumer's signature on the negotiable instrument;

(b) Express oral authorization which is tape recorded and made available upon request to the consumer's bank and which evidences clearly both the consumer's authorization of payment for the merchandise that is the subject of the sales offer and the consumer's receipt of all of the following information:

a. The date of the draft or drafts;

b. The amount of the draft or drafts;

c. The payor's name;

d. The number of draft payments;

e. A telephone number for consumer inquiry that is answered during normal business hours; and

f. The date of the consumer's oral authorization; or

(c) Written confirmation of the transaction, sent to the consumer prior to submission for payment of the consumer's check, draft or other form of negotiable paper, which shall include:

a. All of the information contained in paragraph (b) of this subdivision; and

b. The procedures by which the consumer can obtain a refund from the seller or telemarketer in the event that the confirmation is inaccurate;

(9) Procure the services of any professional delivery, courier or other pick-up service to obtain immediate receipt or possession of a consumer's payment, unless the merchandise or investment opportunity is delivered with the opportunity to inspect before any payment is collected; or

(10) Knowingly assist or support any telemarketer when the seller knew or should have known that the telemarketer was engaged in any act in violation of sections 4 to 9 of this act.

Section 7. 1. A seller or telemarketer shall keep for a period of twenty-four months from the date the record is produced, all verifiable authorizations and records as required in this act, in the form, manner, format or place as they keep such records in the ordinary course of business, including but not limited to:

(1) All substantially different advertising, brochures, telemarketing scripts and promotional materials;

(2) For any prize with a value of twenty-five dollars or greater, the name and last known address of each prize recipient and the prize awarded;

(3) The name and last known address of each consumer, the merchandise purchased, the date such merchandise was shipped or provided and the amount paid by the consumer for the merchandise;

(4) The name, any fictitious name used, the last known home address and telephone number, and the job title for all current and former employees directly involved in telephone sales, provided, that if the seller permits fictitious names to be used by employees, each fictitious name must be traceable to only one specific employee; and

(5) All written authorizations required to be provided or received pursuant to sections 4 to 9 of this act.

2. In the event of any dissolution or termination of the telemarketer's business, the telemarketer shall maintain all records as required pursuant to this section. In the event of any sale, assignment or other change in ownership of the seller's business, the successor shall maintain all records required pursuant to this section.

Section 8. 1. It is unlawful to violate any provision of sections 4 to 9 of this act or to misrepresent or omit the required disclosures of section 5 or 6 of this act, and pursuant to sections 407.010 to 407.130, RSMo, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130, RSMo. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of section 6 of this act shall be guilty of a class D felony.

3. In addition to the remedies already provided in sections 4 to 9 of this act, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 6 of this act shall recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

Section 9. The provisions of sections 4 to 8 of this act shall not apply to:

(1) Telephone calls in which the sale of merchandise is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or seller, except that the requirements of subsection 1 of section 5 of this act shall apply to such calls;

(2) Telephone calls initiated by a consumer that:

(a) Are not the result of any advertisement by a seller or telemarketer;

(b) Are in response to an advertisement through any media, other than direct mail or telemarketing, which disclose the name of the seller and the identity of the merchandise; provided, however, that this exemption shall not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is used to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act;

(c) Are in response to direct mail solicitations that clearly and conspicuously disclose and do not misrepresent the material information required by subsection 2 of section 5 of this act; provided, however, that this exemption does not apply to calls initiated by the consumer in response to an advertisement that offers a prize or investment opportunity, or is to engage in telemarketing activities prohibited by subdivision (7), (8) or (9) of section 6 of this act; or

(d) Are in response to the mailing of a catalog which contains a written description or illustration of the goods or services offered for sale; includes the business address of the seller, includes multiple pages of written materials or illustrations; and has been issued not less frequently than once a year, when the seller or telemarketer does not contact consumers by telephone but only receives calls initiated by consumers in response

to the catalog and during those calls takes orders only without further solicitation. For purposes of this paragraph, the term "further solicitation" does not include providing the consumer with information about, or attempting to sell, any other item included in the same catalog which prompted the consumer's call or in a substantially similar catalog; and

(3) Telephone calls or messages:

(a) To any consumer with such consumer's prior express invitation or permission;

(b) To any consumer with whom the seller has an established business relationship; or

(c) By a tax-exempt nonprofit organization."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 15, Section 558.019, Line 5, by deleting "**shall**" and inserting in lieu thereof "**may**".

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 32, Section 3, Line 16, by inserting at the end of said section the following:

"Section 4. 1. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his or her property. Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of the property is less than two hundred fifty dollars and a class D felony if the value of the property is two hundred fifty dollars or more.

2. For purposes of this section, the following terms mean:

(1) "Deception", a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or preexisting condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. "Deception" includes:

(a) Creating or confirming another person's impression which is false and which the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously has created or confirmed; or

(c) Preventing another person from acquiring information pertinent to the disposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform;

(2) "Disabled person", a person who suffers from a permanent physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense;

(3) "Elderly person", a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunction to the extent that such person is incapable of avoiding or preventing the commission of the offense;

(4) "Intimidation", the communication to an elderly or disabled person that he or she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

3. For purposes of this section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:

(1) Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;

(2) Is a joint tenant or tenant in common with the elderly or disabled person; or

(3) Has a legal or fiduciary relationship with the elderly or disabled person.

4. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

5. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

6. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.;"; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.03, Line 16, by adding the following after line 16:

"570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more; or

- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia, **or any attempt to steal any amount of anhydrous ammonia**, is a class D felony.

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he **or she** knowingly:

- (1) Carries concealed upon or about his **or her** person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, [or into any school,] or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; [or]

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; **or**

(10) Carries a firearm or any other weapon readily capable of lethal use into any school or onto any school bus, unless the person is participating in a school-sanctioned, firearm- related event.

2. Subdivisions (1), (3), (4), (6), (7), (8) [and], (9) **and (10)** of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in

possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

4. Unlawful use of weapons is a class D felony unless committed [under] **pursuant to** subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, **or subdivision (10) of subsection 1 of this section, in which case it is a class C felony**, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."; and

Further amend title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18 of said page, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **under the age of twenty-one years of age** operating or riding as a passenger on any motorcycle or

motorcycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1 of this section [shall be deemed] is** a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] **is** an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, social security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to **driving without a license**, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020

For the first conviction 2 points

For the second conviction 4 points

For the third conviction 6 points

(6) Operating [without a license after suspension or revocation and] with a suspended or revoked license prior to restoration of operating privileges [which have been suspended or revoked] 12 points

[(6)] **(7)** Obtaining a license by

misrepresentation 12 points

[(7)] **(8)** For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

[(8)] **(9)** For the second or subsequent conviction of any of the following offenses however combined:

driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points

[(9)] **(10)** For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law 8 points

In violation of a county or municipal ordinance 8 points

[(10)] **(11)** Any felony involving the use of a

motor vehicle 12 points

[(11)] **(12)** Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

[3.] **4.** When any of the acts listed in subdivision (2), (3), (4) or [(7)] **(8)** of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions [(7), (8) and (9)] **(8), (9) and (10)** of subsection 1 of this section for offenses arising out of the same occurrence.

[4.] **5.** The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection [2] **3** of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day

period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic

offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

302.321. 1. A person commits the crime of driving while revoked if [he] **such person** operates a motor vehicle on a highway when [his] **such person's** license or driving privilege has been canceled, suspended or revoked [under] **pursuant to** the laws of this state and acts with criminal negligence with respect to knowledge of the fact that [his] **such person's** driving privilege has been canceled, suspended or revoked.

2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of** a class A misdemeanor. **Any person convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until [he] **such person** has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service [under the supervision of] **which is supervised by** the court in those jurisdictions which have a recognized program for community service."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 16, Section 558.019, Line 15, by inserting after said line:

"9. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission."; and

Further amend, by renumbering the subsections in section 558.019; and

Further amend, section 559.021, page 17, line 14 by inserting after said line:

"3. Any money expended from the county law enforcement fund pursuant to this section shall only be expended with the approval of the county commission."; and

Further amend, by renumbering the subsections in section 559.021; and

Further amend, section 3, page 32, by inserting after said section:

"Section 4. Any money expended from the county law enforcement fund pursuant to section 570.120 RSMo. shall be annually audited by the county or state auditor. Such moneys shall only be expended with the approval of the county commission."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 6, Section 513.653, Line 5 of said page, by inserting after all of said line the following:

"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class C felony.

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class D felony.

3. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having an identity not traditionally associated with one's biological gender.

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]"; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 27, Section 570.040, Line 2, by inserting at the end of said section the following:

"573.503. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity. **Any person who violates an ordinance adopted pursuant to this section is guilty of a class A misdemeanor.**"; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 4, Section 21.455, Line 14 of said page, by inserting after all of said line the following:

"149.011. As used in this chapter, unless the context requires otherwise, the following terms mean:

- (1) "Cigar", any roll for smoking, except cigarettes, made chiefly of tobacco or any substitute therefor;
- (2) "Cigarette", an item manufactured of tobacco or any substitute therefor, wrapped in paper or any substitute therefor, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled or advertised as a cigarette, **or any product that contains nicotine, as intended to be burned or heated under ordinary conditions of use, and consists of or contains:**
 - (a) **Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or**
 - (b) **Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or**
 - (c) **Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subdivision. "Cigarette" includes "roll-your-own", which is any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and like to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of cigarette, nine one hundredths of an ounce of "roll-your-own" tobacco shall constitute one individual cigarette;**
- (3) "Common carrier", any person, association, company, or corporation engaged in the business of operating, for public use, an agency for the transportation of persons or property within the state;
- (4) "Director", the director of Missouri department of revenue;
- (5) "First sale within the state", the first sale of a tobacco product by a manufacturer, wholesaler or other person to a person who intends to sell such tobacco products at retail or to a person at retail within the state of Missouri;
- (6) "Manufacturer", any person engaged in the manufacture or production of cigarettes;
- (7) "Manufacturer's invoice price", the original net invoice price for which a manufacturer sells a tobacco product to a distributor, wholesaler or first seller in the state as shown by the manufacturer's original invoice;
- (8) "Meter machine", a type of device manufactured for the use of printing or imprinting an inked impression indicating that the cigarette tax has been paid on an individual package of cigarettes;
- (9) "Package of cigarettes", a container of any type composition in which is normally contained twenty individual cigarettes, except as in special instances when the number may be more or less than twenty, **or a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for**

distribution, to consumers;

(10) "Person", any individual, corporation, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity;

(11) "Retailer", any person who sells to a consumer or to any person for any purpose other than resale;

(12) "Sale" in this instance is defined to be and declared to include sales, barter, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. "Sale" also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption;

(13) "Smokeless tobacco", chewing tobacco, including, but not limited to, twist, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

(14) "Stamped cigarettes", an individual package, containing twenty individual cigarettes, more or less, on which appears or is affixed or imprinted thereon a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(15) "Tax stamp", an item manufactured of a paper product or substitute thereof on which is printed, imprinted, or engraved lettering, numerals or symbols indicating that the cigarette tax has been paid on each individual package of cigarettes;

(16) "Tobacco product", cigarettes, cigarette papers, clove cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

(17) "Unstamped cigarettes", an individual package containing cigarettes on which does not appear a Missouri state cigarette tax stamp or Missouri state meter machine impression;

(18) "Wholesaler", any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the state who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this chapter, who so sells or so distributes cigarettes or tobacco products.

149.071. **1.** Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

2. No tax stamp may be affixed to, or made upon, any package of cigarettes if:

(1) The package does not comply with all the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec, 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States; or

(2) The package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec, 5754;

(3) The package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U. S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States; or

(4) The package, or a package containing individually stamped packages, has been altered by masking or deleting the wording described in subdivision (3) of this subsection.

3. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section shall be guilty of a class D felony upon conviction.

4. The department of revenue may revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section.

5. The department of revenue may seize and destroy or sell only for export to licensed exporters cigarette packages to which is affixed a tax stamp in violation of this section.

6. A violation of this section is a deceptive act or practice under this section.

7. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provision to other persons or circumstances is not affected."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 26, Section 569.035, Line 16 of said page, by inserting after all of said line the following:

"570.020. For the purposes of this chapter, the value of property shall be ascertained as follows:

(1) Except as otherwise specified in this section, "value" means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. **If the victim is a merchant, as defined in section 400.2-104, RSMo, and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property;**

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than one hundred fifty dollars."; and

Further amend said bill, Page 27, Section 570.040, Line 2 of said page, by inserting after all of said line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [He] **The person** makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in [his] **that** account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action under the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be [five dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred dollars, and twenty-five dollars for checks of one hundred dollars or more] **twenty-five dollars for any bad check. For checks of one hundred dollars or more, an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed fifty dollars total.** Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that [previously] authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, [capital outlay,] expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney and employees' salaries.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. [Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.]

Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in addition to the face amount of the check, a

reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if [he] **such prosecutor** determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if [he] **such prosecutor** determines there is sufficient evidence shall further prosecute such cases.

8. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 335, Page 1, Section 513.653, Line 11, by inserting after all of said line the following:

"Section 1. 1. No person less than twenty-one years of age shall dance in an adult cabaret as defined in section 573.500, RSMo, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Page 5, Section 217.760, Line 18, by inserting immediately after said line the following:

"217.800. 1. In all cases in which the governor is authorized by the constitution to grant pardons, he **or she** may grant the same, with such conditions and under such restrictions as he **or she** may think proper.

2. All applications for pardon, commutation of sentence or reprieve shall be referred to the board for investigation. The board shall investigate each such case and submit to the governor a report of its investigation, with all other information the board may have relating to the applicant together with any recommendations the board deems proper to make.

3. The department of corrections shall notify the central repository, as provided in sections 43.500 to 43.530, RSMo, of any action of the governor granting a pardon, commutation of sentence, or reprieve.

4. In all cases in which the governor grants a reprieve or commutation of any sentence of death, the governor's office shall contact the immediate family of the victim or victims of the charged capital offense within 24 hours of the governor's decision."; and

Amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 498**, entitled:

An Act to repeal section 210.173, RSMo 1994, and sections 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1998, and sections 301.130 and 301.144 as both versions appear in RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-six new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 52, Section 301.451, Lines 20-24, and page 53, Section 301.451, Line 1, by deleting all of said lines and inserting in lieu thereof the following:

"each set of special purple heart license plates [issued equal to the fee charged for personalized license plates,] but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] **A fee for the issuance of personalized**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 113, Section 18, Line 20, by inserting after all of said line the following:

"Section 19. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 498, Page 43, Section 301.191, Line 10, by inserting after said line the following:

- "301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.
2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.
3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.
4. A fee of ten dollars shall be paid for the inspection. [The] **If the inspection is completed by the sheriff, the** proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**
5. The sheriff **or Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff **or Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.
6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**
7. The sheriff **or Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff **or Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 246** and **405**, with **SCS**; and **HCS** for **HBs 603, 722** and **783**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HCS** for **HB 889**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 889**, as amended, was again taken up.

At the request of Senator Stoll, **SS** for **HCS** for **HB 889**, as amended, was withdrawn.

Senator Stoll offered **SS No. 2** for **HCS** for **HB 889**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 889

An Act to repeal sections 163.191 and 167.151, RSMo 1994, sections 160.051, 160.053, 160.054, 160.055, 160.415, 162.857, 162.867, 162.975 and 165.011, RSMo Supp. 1998, and section 163.011, as both versions appear in RSMo Supp. 1998, relating to school districts, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause for a certain section and a termination date for a certain section.

Senator Stoll moved that **SS No. 2** for **HCS** for **HB 889** be adopted.

Senator Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 56, Section 167.151, Line 13 of said page by inserting immediately after said line the following:

"167.192. 1. There is hereby established a pilot program of urban early compulsory school attendance in each urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.

2. Every parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of five and seven years is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of section 167.031.

3. A parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child between the ages of five and seven years shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that a child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof.

4. Any parent, guardian or other person having charge, control or custody of a child who violates the provisions of subsection 3 of this section is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of subsection 3 of this section. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is immediately placed and kept in regular attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

5. The school board of each such district shall provide a report to the commissioner of education, no later than December 1, 2001, regarding the effectiveness of the program established pursuant to this section in that district.

6. During any school year, the provisions of this section shall not apply to any child whose fifth birthday occurs after the cutoff date for kindergarten eligibility in the district for the school year and who is not allowed to attend kindergarten in such district."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 56, Section 167.151, Line 13, of said page by inserting immediately after said line the following:

"167.192. 1. There is hereby established a pilot program of urban early compulsory school attendance in each urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.

2. Every parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of five and seven years may enroll the child in a program of academic instruction which complies with subsection 2 of section 167.031.

3. A parent, guardian or other person in any school district described in subsection 1 of this section having charge, control or custody of a child between the ages of five and seven years may cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Klarich requested a roll call vote be taken on **SSA 1** for **SA 1** and was joined in his request by Senators Childers, Rohrbach, Kenney and Westfall.

SSA 1 for **SA 1** failed of adoption by the following vote:

	YEAS--Senators		
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Singleton	Steelman
Westfall	Yeckel-- 14		
	NAYS--Senators		
Banks	Bentley	Bland	Caskey
Clay	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Scott	Sims	Staples
Stoll	Wiggins-- 18		
	Absent--Senators		
DePasco	Schneider-- 2		
	Absent with leave--Senators--None		

SA 1 was again taken up.

At the request of Senator Bland, the above amendment was withdrawn.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 71, Section B, Line 14, by adding the following: "No public school student shall be promoted to a higher grade level unless that student has a reading ability level at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to 162.670 to 162.999.".

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kinder, Rohrbach, Russell and Sims.

SA 2 was adopted by the following vote:

	YEAS--Senators		
Bland	Childers	Ehlmann	Flotron
Graves	House	Johnson	Kenney
Kinder	Klarich	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Westfall-- 18		
	NAYS--Senators		
Banks	Bentley	Caskey	DePasco
Goode	Howard	Jacob	Mathewson
Maxwell	Quick	Staples	Stoll
Wiggins	Yeckel-- 14		
	Absent--Senators		
Clay	Singleton-- 2		
	Absent with leave--Senators--None		

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 54, Section 165.011, Line 10, of said page, by inserting after all of said line the following:

"167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for three or more children whose parents or guardians do not reside in the district in which the institution is located shall have [no] authority to enroll such children in a program in the district or special district in which the institution is located [unless the institution contracts for such services and pays the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section] **and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.**

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district [by the department of mental health, the department of social services or the court]. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included as an "eligible pupil", as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education."; and

Further amend said bill, Page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular**

program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020, RSMo;
 - (b) Second degree murder under section 565.021, RSMo;
 - (c) First degree assault under section 565.050, RSMo;
 - (d) Forcible rape under section 566.030, RSMo;
 - (e) Forcible sodomy under section 566.060, RSMo;
 - (f) Robbery in the first degree under section 569.020, RSMo;
 - (g) Distribution of drugs to a minor under section 195.212, RSMo;
 - (h) Arson in the first degree under section 569.040, RSMo;
 - (i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 37, Section 163.011, Line 5, by inserting immediately after said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for the immediately preceding year **or the number of eligible pupils for the second preceding school year**, whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, In the Title, Line 6 of said page, by striking "school districts" and inserting in lieu thereof the following: "education"; and

Further amend said bill, page 56, Section 167.151, Line 13 of said page, by inserting after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.036. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such faculty representative shall have the same powers as other members of the board of curators except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government presidents of the campuses of the university, be a full-time faculty member at the university, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at such member's campus of the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made pursuant to this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a faculty member from the Columbia campus, next from the Kansas City campus, next from the Rolla campus, and then from the St. Louis campus.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend said bill, page 59, Section 173.775, line 6 of said page, by inserting after all of said line the following:

"174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents **or governors** of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.056. 1. There shall be a faculty representative to the board of regents or governors of each educational institution referred to in section 174.020, appointed by the governor with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of each institution's faculty government association, be a full-time faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident

of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the bill.

Senator Rohrbach raised a further point of order that **SA 5** is out of order as it goes beyond the scope, title and purpose of the bill as it came from the House of Representatives.

The points of order were referred to the President Pro Tem, who took them under advisement, which placed the bill, with **SS No. 2** and **SA 5** (pending) on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 61**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HS** for **HCS** for **HB 701**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 701** was again taken up.

Senator Wiggins assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Pages 39-44, Section 620.495, by striking all of said section from the bill; and

Further amend said bill, Pages 48-51, Section 620.1039, by striking all of said section from the bill; and

Further amend said bill, Page 51, Section 1, by striking all of said section; and

Further amend said bill, Pages 51-54, Section 2, by striking all of said section; and

Further amend said bill, Pages 54-55, Section 3, by striking all of said section; and

Further amend said bill, Pages 55-57, Section 4, by striking all of said section; and

Further amend said bill, Pages 57-59, Section 5, by striking all of said section; and

Further amend said bill, Pages 59-60, Section 6, by striking all of said section; and

Further amend said bill, Page 60, Section 7, Lines 9-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section 1. Tax"; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1039, Line 14, of said page, by inserting after all of said line the following:

"621.052. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, order, decision, made by an agency regarding the eligibility of a state-administered or subsidized tax credit, tax abatement or loan pursuant to subsection 1 of section 1 of this act. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director of the appropriate agency is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of Chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole county circuit court."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 10, Section 135.100, Line 16, of said page, by striking "Scheduled air transportation" and inserting in lieu thereof the following: **"Airports, flying fields, and airport terminal services"**; and

Further amend said bill, page 12, Section 135.115, line 20, by inserting after all of said line the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;
- (4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;
- (5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;
- (6) "Revenue producing enterprise", means:
 - (a) Manufacturing activities classified as SICs 20 through 39;
 - (b) Agricultural activities classified as SIC 025;
 - (c) Rail transportation terminal activities classified as SIC 4013;
 - (d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);
 - (e) Motor freight transportation terminal activities classified as SIC 4231;
 - (f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self- storage;
 - (g) Water transportation terminal activities classified as SIC 4491;
 - (h) **Airports, flying fields, and airport terminal services classified as SIC 4581;**
 - (i) Wholesale trade activities classified as SICs 50 and 51;
 - [(i)] **(j)** Insurance carriers activities classified as SICs 631, 632 and 633;
 - [(j)] **(k)** Research and development activities classified as SIC 873, except 8733;
 - [(k)] **(l)** Farm implement dealer activities classified as SIC 5999;
 - [(l)] **(m)** Employment agency activities classified as SIC 7361;
 - [(m)] **(n)** Computer programming, data processing and other computer related activities classified as SIC 737;
 - [(n)] **(o)** Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

[(o)] **(p)** Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

[(p)] **(q)** Recycling activities classified as SIC 5093;

[(q)] **(r)** Banking activities classified as SICs 602 and 603;

[(r)] **(s)** Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

[(s)] **(t)** Mining activities classified as SICs 10 through 14;

[(t)] **(u)** The administrative management of any of the foregoing activities; or

[(u)] **(v)** Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 36, Section 320.093, Lines 5-6, of said page, by striking the following: "promulgated pursuant to chapter 536, RSMo,"; and

Further amend said bill and section, page 37, line 12 of said page, by inserting after all of said line the following:

"7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, page 57, Section 4, lines 17 to 20 of said page, by striking all of said lines and inserting in lieu thereof the following: **"act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 1 to 6 of this act shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."**

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1, of said page, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1 of said page, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for an area that includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 12, Section 135.115, Line 18, by deleting date "1996" and inserting "1990".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 17, Section 135.207, Line 1, by inserting after all of said line the following:

"135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 35, Section 135.750, Line 2, by inserting after all of said line the following:

"143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a credit against the tax otherwise due under sections 143.005 to 143.998 for the amount of any income tax imposed on him for the taxable year by another state of the United States (or a political subdivision thereof) or the District of Columbia on income derived from sources therein and which is also subject to tax under sections 143.005 to 143.998. **Solely for purposes of this subsection, the phrase "income tax imposed" shall include any income tax credit allowed by such other state or the District of Columbia the basis for which is a charitable contribution which qualifies as a charitable deduction from income pursuant to the Internal Revenue Code of 1986, as amended if the other state or the District of Columbia authorizes a reciprocal benefit for residents of this state.**

2. The credit provided under this section shall not exceed an amount which bears the same ratio to the tax otherwise due under sections 143.005 to 143.998 as the amount of the taxpayer's Missouri adjusted gross income derived from sources in the other taxing jurisdiction bears to his Missouri adjusted gross income derived from all sources. In applying the limitation of the previous sentence to an estate or trust, Missouri taxable income shall be substituted for Missouri adjusted gross income. If the tax of more than one other taxing jurisdiction is imposed on the same item of income, the credit shall not exceed the limitation that would result if the taxes of all the other jurisdictions applicable to the item were deemed to be of a single jurisdiction.

3. For the purposes of this section, in the case of an S corporation, each resident S shareholder shall be considered to have paid a tax imposed on the shareholder in an amount equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a state which does not measure the income of shareholders on an S corporation by reference to the income of the S corporation or where a composite return and composite payments are made in such state on behalf of the S shareholders by the S corporation."; and

Further amend said bill, Page 61, Section 7, Line 10, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 143.081 shall be effective January 1, 2000, and shall apply to all taxable years commencing after December 31, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 61, Section 7, Line 10, by inserting immediately after said line the following:

"Section 8. 1. Notwithstanding any other law to the contrary, the person owning or operating a special passenger train, and the railroad or rail authority over whose tracks the special passenger train is operated, for all claims, whether for compensatory damages or punitive damages, arising from a rail incident or accident occurring in the state and involving a special passenger train, shall not exceed ten million dollars.

2. This section shall not limit the liability of a person whose intentional misconduct causes a rail incident or accident.

3. The person operating a special passenger train shall maintain insurance coverage of not less than ten million dollars per occurrence with the person and the railroad or rail authority over whose tracks the special passenger train is operated, as named insureds. Such insurance shall not have a self-insured retention or

deductible greater than one hundred thousand dollars. A person shall provide evidence of such coverage upon demand of the director of the division of insurance or by the railroad or rail authority over whose tracks the special passenger train is to be operated.

4. As used in this section the following terms mean:

- (1) "Person", an individual, partnership, corporation, association, institution, city, county or other political subdivision, authority, state agency or institution, or federal government or institution;**
- (2) "Special passenger train", a train which carries members of the public at speeds which do not exceed thirty-five miles per hour over a common carrier railroad or railroad authority.**

5. Nothing in this section shall be construed as requiring a railroad or rail authority to permit the operation of a special passenger train over its tracks."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 10** is out of order because it goes beyond the intent and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 33, Section 135.411, Line 2, of said page, by inserting after all of said line the following:

"135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means [or] of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long

as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

8. An existing business located within a distressed community, that hires new employees within such distressed communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 701, Page 61, Section 7, Line 10, by inserting immediately after said line the following:

"Section 8. Notwithstanding any other provisions of law to the contrary, heating companies located within an enterprise zone that serve one or more commercial, nonresidential customers that are eligible to receive tax credits issued under a program administered by the department of economic development, may adjust rates for their hot or cold, steam or currents of hot or cold air that are lower than current rates established for such services without any requirement for approval or other action by the public service commission."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1023, Line 14, by inserting after all of said line the following:

"620.1300. [1. Beginning in 1997, and at least every four years thereafter, or earlier if requested by at least two members of the selection panel, an independent] A cost benefit analysis shall be prepared to evaluate the effectiveness of all programs operated by the department of economic development for which the department approves tax credits, loans, loan guarantees, or grants. Each analysis shall be conducted by [a nationally recognized accounting firm or other firm possessing expertise in the field of cost benefit analysis and the use of econometric models. The criteria for the selection of such firm shall be established by a panel composed of the governor, the treasurer and the auditor, or their designees. The office of administration shall issue and administer the contracts.] the state auditor, and shall include, but not be limited to, the costs for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program. The result of each analysis shall be published and distributed, by January 1, 2001, and every two years thereafter, to the governor, the speaker of the house of representatives, [and] the president pro tem of the senate, the chairman of the house budget committee, the chairman of the senate appropriations committee and the joint committee on economic development policy and planning.

[2. Each analysis shall include, but not be limited to, the cost to the state and political subdivisions for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program.]"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 61, Section 7, Line 10 of said page, by inserting immediately after said line the following:

"Section 1. 1. This section shall be known and may be cited as the "Summer Jobs Program". This tax credit program shall be administered by the department of economic development as a pilot project from January 1, 2000, until December 31, 2002, with the goal of creating employment for youths in urban areas. No later than December 1, 2001, the department of economic development shall submit to the general assembly a report which outlines the effectiveness of the program.

2. For all taxable years beginning on or after January 1, 2000, and before January 1, 2003, an individual or corporate taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.261, RSMo, for up to twenty-five thousand dollars of the amount expended to establish, in a city not within a county and in any city with a population greater than three hundred fifty thousand, located in more than one county, a summer job program to employ youths who are between sixteen and nineteen years of age and whose family income is equal to or below one hundred fifty percent of the federal poverty level.

3. To receive the credit allowed pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form prescribed by the department of economic development. Upon approval of a taxpayer's application, the department of economic development shall issue a certificate of tax credit which shall be submitted by the taxpayer with such taxpayer's state income tax return. Tax credits shall be issued in the order applications are received.

4. Tax credits issued pursuant to this section are transferrable and assignable, and may be carried forward to the taxpayer's five succeeding tax years or carried back to the taxpayer's three preceding tax years until the full credit has been claimed.

5. The maximum amount of tax credits allowed pursuant to this section is two hundred thousand dollars per calendar year.

6. The department of economic development shall be authorized to promulgate any rules necessary to administer the tax credit program created by this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich
Quick
Scott
Steelman
Yeckel--33

Mathewson
Rohrbach
Sims
Stoll

Maxwell
Russell
Singleton
Westfall

Mueller
Schneider
Staples
Wiggins

NAYS--Senators--None
Absent--Senator Banks--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** to **HB 261**, and request the House to take up and pass the bill, as amended, which motion prevailed.

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SB 294**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 294

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 294, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 294, as amended;
2. That the Senate recede from its position on Senate Bill No. 294;
3. That the attached Conference Committee Substitute for Senate Bill No. 294 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Danny Staples
/s/ Ed Quick
/s/ Ronnie DePasco
/s/ Sarah H. Steelman
/s/ Sam Graves

FOR THE HOUSE:

/s/ Don Koller
/s/ Sam Leake
/s/ Kelly Parker
/s/ Jewell Patek
/s/ Don Lograsso

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Caskey	YEAS--Senators	Clay	DePasco
	Childers		

Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Staples	Steelman	Stoll--20
	NAYS--Senators		
Bentley	Bland	Goode	Jacob
Kinder	Mueller	Scott	Sims
Singleton	Wiggins	Yeckel--11	
	Absent--Senators		
Banks	Schneider	Westfall--3	
	Absent with leave--Senators--None		

On motion of Senator Staples, **CCS** for **SB 294**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 294

An Act to repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Staples	Steelman	Stoll--20
	NAYS--Senators		
Bentley	Bland	Goode	Jacob
Kinder	Mueller	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--12
	Absent--Senators		
Banks	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

Senator Staples moved that the emergency clause be adopted.

Senator Singleton was recognized to speak on the motion.

Senator Mathewson raised the point of order that under the provisions of Senate Rule No. 59, an emergency clause is nondebatable.

Senator Maxwell assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Kenney
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Yeckel--25			
	NAYS--Senators		
Bentley	Bland	Kinder	Singleton
Wiggins--5			
	Absent--Senators		
Goode	Johnson	Klarich	Westfall--4
	Absent with leave--Senators--None		

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HCS** for **HB 889**, with **SS No. 2, SA 5** and points of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey withdrew his point of order on **SA 5**.

Senator Rohrbach withdrew his point of order on **SA 5**.

SA 5 was again taken up.

Senator Russell offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, by deleting all of section 172.036, page 3 of the amendment through page 4; and

Further amend senate amendment no. 5, page 6, by deleting section 174.056 through page 7 and 2 lines on page 8 of said amendment.

Senator Russell moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 1** to **SA 5** and was joined in his request by Senators Bland, House, Rohrbach and Singleton.

SA 1 to **SA 5** was adopted by the following vote:

	YEAS--Senators		
Banks	Caskey	Childers	Ehlmann
Flotron	Graves	Kenney	Kinder
Mathewson	Mueller	Rohrbach	Russell

Schneider	Sims	Singleton	Staples
Steelman	Westfall	Yeckel--19	
	NAYS--Senators		
Bentley	Bland	Clay	Goode
House	Howard	Jacob	Klarich
Maxwell	Quick	Scott	Stoll
Wiggins--13			
	Absent--Senators		
DePasco	Johnson--2		
	Absent with leave--Senators--None		

SA 5, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, pages 37-41, Section 163.191, by striking the section from the bill in its entirety; and further amend said bill, by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 60, Section 2, Line 11 of said page, by inserting at the end of said line the following: "**Grants may also be used for explicit phonics instruction, in any district, consistent with the requirements for the pilot program established pursuant to section 6 of this act.**"; and

Further amend said bill, page 71, Section 7, Line 7 of said page, by inserting after all of said line the following:

"Section 8. Notwithstanding any provision of law to the contrary, beginning with the 1999-2000 school year, there is hereby established within each subdistrict of each metropolitan school district, a pilot project of explicit phonics instruction for students up to and including third grade. This project shall employ the methodology of teaching public school students to pronounce and read words by learning the phonetic sound associations of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute or in combination with explicit phonics instruction."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, Section A, Line 8, by

adding the following:

"Section 1.028. The general assembly recognizes that English is the [most] common language used in Missouri and recognizes that fluency in English is necessary for full integration into our common American culture[.] **for reading readiness.**"; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 889, Page 1, In the Title, Lines 8-9 of said page, by striking "a certain section" and inserting in lieu thereof the following: "certain sections"; and

Further amend said bill, Page 10, Section 160.415, Line 10 of said page, by inserting after all of said line the following:

"162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, **and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.**

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless

excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment [until the next election for members of the board, when the vacancy shall be filled] for the remainder of the term."; and

Further amend said bill, Page 71, Section B, line 9 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and further amend line 10 of said page, by striking "is" and inserting in lieu thereof "are" and further amend line 13 of said page, by striking "section" and inserting in lieu thereof the following: "sections 162.601, 162.611 and"; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SS No. 2** for **HCS** for **HB 889**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS No. 2** for **HCS** for **HB 889**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators			
Graves	Rohrbach--2		
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
DePasco	Johnson	Quick	Scott--4
Absent with leave--Senators--None			

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator House moved that **SS No. 2** for **SB 163**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS No. 2** for **SB 163**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 163

An Act to repeal section 170.011, RSMo 1994, relating to public school instruction in the social sciences, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **HCS** for **SS No. 2** for **SB 163** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator House, **HCS** for **SS No. 2** for **SB 163** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Quick--1		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins moved that **SCS** for **SB 498**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 498**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 498

An Act to repeal section 210.173, RSMo 1994, and sections 301.131, 301.132, 301.142, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1998, and sections 301.130 and 301.144 as both versions appear in RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 498**, as amended, be adopted.

At the request of Senator Wiggins, the above motion was withdrawn.

Senator Scott moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, and further, that the conferees be allowed to exceed the differences for the police officers', fire fighters', and school teachers' pensions, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Clay moved that **HCS** for **HB 349**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 349** was again taken up.

At the request of Senator Schneider, **SS** for **SCS** for **HCS** for **HB 349** was withdrawn.

Senator Clay offered **SS No. 2** for **SCS** for **HCS** for **HB 349**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 349

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to taxation.

Senator Clay moved that **SS No. 2** for **SCS** for **HCS** for **HB 349** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Section 620.1487, Line 11 of said page, by striking "secondary school"; and further amend line 12 of said page, by striking "elementary school,"; and

Further amend said bill, Page 5, Section 620.1493, Line 13 of said page, by striking the word "ten" and inserting in lieu thereof the word "**eighteen**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Childers, Singleton and Westfall.

Senator Childers offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Line 5, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Maxwell assumed the Chair.

SA 1, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Russell
Sims	Singleton	Staples	Stoll

Westfall--17

NAYS--Senators

Bentley	Clay	DePasco	Ehlmann
Flotron	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Steelman	Wiggins	Yeckel--15	

Absent--Senators

Quick
Scott--2

Absent with leave--Senators--None

Senator Clay moved that **SS No. 2** for **SCS** for **HCS** for **HB 349**, as amended, be adopted.

At the request of Senator Clay, the above motion was withdrawn.

At the request of Senator Clay, **HCS** for **HB 349**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Banks, on behalf of the Conference Committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 8 and 173

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173, with House Amendments Nos. 1, 2 and 3;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 8 & 173; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 8 & 173 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ J. B. "Jet" Banks
/s/ Harry Wiggins
/S/ Ken Jacob
/s/ Betty Sims
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Lana Ladd Stokan
/s/ Joseph L. Treadway
/s/ Gracia Backer
/s/ Carson Ross
/s/ Charles Pryor

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll

Westfall	Wiggins	Yeckel--31
	NAYS--Senator Rohrbach--1	
	Absent--Senators	
Quick	Scott--2	
	Absent with leave--Senators--None	

On motion of Senator Banks, **CCS No. 2** for **HS** for **HCS** for **SCS** for **SBs 8** and **173**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

 FOR HOUSE SUBSTITUTE FOR

 HOUSE COMMITTEE SUBSTITUTE FOR

 SENATE COMMITTEE SUBSTITUTE FOR

 SENATE BILLS NOS. 8 and 173

An Act to repeal sections 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 334.655 and 334.660, RSMo Supp. 1998, relating to health and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date for a certain section and a penalty provision.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Kenney	Kinder
Klarich	Maxwell	Mueller	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Johnson	Mathewson	Quick	Scott--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode moved that the Senate request the House to grant further conference on **HS** for **HCS** for **SB 20**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HS** for **HB 516**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 139**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 139**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 61**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 139**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 139

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 139, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 139, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 139;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Francis Overschmidt

/s/ Sidney Johnson
/s/ Stephen Stoll
/s/ Morris Westfall
/s/ John T. Russell

/s/ Gary Wiggins
/s/ Sam Leake
/s/ Beth Long
/s/ Judy Berkstresser

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Graves--1		
	Absent--Senators		
Maxwell	Schneider	Scott	Staples--4
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 139**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 139

An Act to repeal sections 144.190 and 144.605, RSMo Supp. 1994, relating to taxation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Graves--1		
	Absent--Senators		
Maxwell	Schneider	Scott	Staples--4
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Graves	Steelman--2		
Absent--Senators			
Maxwell	Schneider	Scott	Staples--4
Absent with leave--Senators--None			

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Jacob moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 516**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended: Senators Caskey, Mathewson, Scott, Westfall and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 516**, as amended: Senators Quick, Mathewson, Jacob, Ehlmann and Mueller.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 61**, as amended: Senators Johnson,

Mathewson, Stoll, Bentley and Westfall.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 896, regarding the death of Mrs. Mary Frances Baar, Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 897, regarding James Patrick Mulvaney, which was adopted.

Senator House offered Senate Resolution No. 898, regarding Daniel A. Doelling, St. Charles, which was adopted.

Senator Klarich offered Senate Resolution No. 899, regarding Blake Kluesner, Washington, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. George Fuchs, M.D., Columbia.

Senator Maxwell introduced to the Senate, members of the 241st Air Traffic Control Squadron: Lieutenant Colonel Craig McCord, Staff Sergeant Brian Maday, Staff Sergeant Ken Carldwell and General Baker.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 13, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY--THURSDAY, MAY 13, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Dear God: We feel the pressure and hear the clock ticking, the work that is yet to be done demands our attention and the hour hand seems to move like the minute hand did weeks ago. So we call on You to empower us with the ability to go about our duty knowing You watch over us, You provide Your peace to calm us down, and You grant us wisdom so that which is important will be accomplished among us. We give You thanks, Oh God, for Your blessed presence. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press and KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 900

WHEREAS, the members of the Missouri Senate always enjoy acknowledging milestones attained by those institutions which have played an

historically important role in Show-Me State heritage; and

WHEREAS, on Saturday, May 15, 1999, a special observance in Carthage, Missouri, will commemorate the 1849 start of construction on historic Kendrick Place, an event scheduled in conjunction with National Historic Preservation Week which runs from May 9 through May 15; and

WHEREAS, one hundred fifty years ago the Kendrick family built a home which family descendants, Jackie and Herschel Stroud, contracted to sell to Victorian Carthage, Incorporated in 1989; and

WHEREAS, opened as a museum in 1991 after considerable restoration, Kendrick Place will pay off and burn its mortgage to the Stroud family during this year's anniversary celebration using funds raised almost exclusively from its annual home tour; and

WHEREAS, as part of the festivities, Company B of the 4th Missouri Infantry commanded by Captain Bill Dedman and Company A of the 3rd Missouri Cavalry Dismounted commanded by Captain Doug Moody will provide a Confederate States Army reenactment with drills and camp life; and

WHEREAS, crafts such as spinning, basket weaving, rope making, quilting, and lye soap making will be demonstrated along with dutch-oven cooking and music provided by dulcimer players, a banjo player, and the Carthage Community Band under the direction of Marvin VanGilder; and

WHEREAS, in addition to their literal role as Kendrick family descendants, Jackie and Herschel Stroud will recreate the personages of Dr. Albert G. and Pamela Huffman dressed in historical era clothing and with authentic medical instruments in an endeavor to illustrate what it was like to live during the war years, practice medicine in the Union Army, and care for the sick and wounded in recuperation hospitals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the work of Victorian Carthage, Incorporated as it celebrates the One Hundred Fiftieth anniversary of the founding of Kendrick Place and to congratulate the esteemed Stroud family and all of the other participants in this festive and historical Civil War era reenactment for a job very well done; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in commemoration of the Sesquicentennial celebration of Kendrick Place.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 901

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred twenty-five dollars (\$825.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Maxwell offered Senate Resolution No. 902, regarding Brandie Roberts, Atlanta, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended: Senators Mathewson, Johnson, Scott, Childers and Klarich.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate request the House to return **CCS** for **SS** for **SCS** for **HB 65** to the Senate for further consideration, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 267**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 308 and 314**, as amended, and grants the Senate a conference thereon, and further that the conferees be allowed to exceed the differences for the police officers, fire fighters and school teachers pensions.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 516**, as amended: Representatives Gaw, Bray, VanZandt, Gibbons and Hegeman.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 793**, with **SCS**, entitled:

An Act to repeal sections 313.805, 313.807, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for **HS** for **HCS** for **HB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 793

An Act to repeal sections 313.805, 313.807, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 793** be adopted.

Senator Johnson assumed the Chair.

Senator Mathewson offered **SS** for **SCS** for **HS** for **HCS** for **HB 793**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 793

An Act to repeal sections 313.805, 313.807, 313.812, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 793** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 31, Section 1, Line 8 of said page, by striking the word "personal"; and

Further amend said bill, Page 35, Section 3, Lines 6-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(2) Licensees".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Section A, Line 6, by inserting immediately after said line the following:

"313.270. 1. The director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.200 to 313.350, including procurements which integrate functions such as lottery game design, supply of goods and services, and advertising. The lottery commission by approved rule may purchase goods made in the state of Missouri to be given away as prizes within the provisions of section 313.321. Contracts shall be awarded to lottery contractors or lottery vendors on the basis of lowest and best bid on an evaluated basis in order to maximize revenues to the lottery fund. The director may also utilize state purchasing procedures. The director shall award at least ten percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to minority business enterprises as defined by the office of administration and shall award at least five percent of the aggregate dollar amount of all contracts to provide goods and services to the lottery to women business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission.

2. Any contract awarded to any lottery contractor or vendor shall provide that such contractor or vendor shall award a minimum of ten percent of his subcontracted business to minority business enterprises as defined by the office of administration and shall award a minimum of five percent of his subcontracted business to women business enterprises as defined by the office of administration. This section shall not apply to multistate lottery.

3. Any lottery vendor which enters into a contract to supply lottery materials, services or equipment for use in the operation of the state lottery shall first disclose such information as the commission may require, by rule and regulation, concerning the selection of lottery vendors.

4. The costs of any investigation into the background of the applicant seeking a contract shall be assessed against the applicant and shall be paid by the applicant at the time of billing by the state.

5. Performance bonds shall be posted by each contractor with the commission with a surety acceptable to the commission in an amount as may be required by the commission, but not to exceed the expected total value of the contract. The contract of any lottery contractor who does not comply with such requirements may be terminated by the

commission. The commission may terminate the contract of any lottery vendor who:

- (1) Is convicted of any felony;
- (2) Is convicted of any gambling-related offense;
- (3) Is convicted of any crime involving fraud or misrepresentation;
- (4) Fails to comply with the rules and regulations of the commission existing at the time the contract was entered into;
or
- (5) Fails to periodically update any disclosure requirements.

[6. The provisions in this section requiring that certain percentages of lottery contracts and subcontracts be awarded to businesses owned and controlled by women or ethnic and racial minorities shall expire on January 1, 2000.]" and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Section 313.270, Line 13, by placing an opening bracket after the word "procedures."; and

Further amend page 2, line 12, by placing a closed bracket after the word "lottery."; and further by renumbering the remaining subsections accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Mathewson offered **SSA 1** for **SA 1** to **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 3, by deleting the bracket at the beginning of subsection 6 and inserting after the 2 in the last line the following "005[".

Senator Mathewson moved that the above substitute amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

President Wilson assumed the Chair.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 26, Section 572.010, Line 19, by inserting a "[" after the word "replay"; and

Further amend said line, by inserting a period after "replay"; and

Further amend same section, page 27, line 5, by inserting a "]" after the word "play.".

Senator Caskey moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 2, by deleting the complete sentences on line 2 through 5 and lines 24 through 2 of page 28 and inserting in lieu thereof the following:

"No amusement devise, as described in section 572.010, RSMo, that is operating in this state shall allow the wholesale value of any prize for a single play to exceed the amount of the value of a single play of the amusement device or five dollars whichever is greater; nor shall the value of any prize for multiple plays exceed the cumulative value of play of the amusement device or two hundred fifty dollars, whichever is lesser; and such prizes shall not thereafter be sold or transferred for cash or any other consideration."

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 793**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

HCS for **HB 267**, with **SCS**, entitled:

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.240, 311.293, 311.298, 311.310, 311.328, 311.329, and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Scott.

SCS for **HCS** for **HB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 267

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329, and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 267** be adopted.

Senator Scott offered **SS** for **SCS** for **HCS** for **HB 267**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 267

An Act to repeal sections 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329 and 311.660, RSMo 1994, and sections 311.098, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 267** be adopted.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 8, by deleting the number "**3**" and inserting in lieu thereof the number "**4**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 1, Section A, Line 7 of said section, by inserting immediately after said line the following:

"311.091. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry one hundred or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter **and on the premises of vessels, operated under single ownership, registered by the United States Coast Guard by Certificate of Documentation, with a passenger capacity under one hundred persons each, and operating on impounded waters in a city having a population of at least four hundred thousand and located in more than one county.** The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, by inserting a new section 1 at the end of the bill: "Unless a on duty peace officer for the Division of Liquor Control is working undercover, such peace officer shall immediately upon entering the premises of a retail licensee present such officer's identification to the licensee or employee in charge."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Singleton offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 21, Section 311.680, Line 2, by deleting all new subsections beginning at said line to include remaining page 21, page 22, page 23, page 24.

Senator Singleton moved that the above substitute amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.093, Line 13, by inserting after said line the following:

"311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, **except as provided in subsection 2 of this section**, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term "resort" means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic

sales, or means a seasonal resort restaurant with food sales as determined in subsection [2] **3** of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

2. In any county seat of a county of the first classification without a charter form of government with a population of at least sixty-two thousand but less than eighty thousand, no person shall be granted a resort license unless such person otherwise complies with local ordinances.

[2.] **3.** A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter.

[3.] **4.** The times for opening and closing the establishments as fixed in section 311.290, the authority for the collection of fees by counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under section 311.090.

[4.] **5.** Any new resort or restaurant establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 4, Section 311.098, Line 1, by inserting immediately after said line the following:

"311.102. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment, as defined in this section, between the hours of [11:00] **9:00** a.m. on Sunday and midnight on Sunday. As used in this section, the term "place of entertainment" means any establishment located in a city not within a county or in a county of the first classification having a charter form of government with a population of at least nine hundred thousand or more inhabitants or in a county of the first classification having a charter form of government containing any portion of a city with a population of three hundred eighty thousand or more or in any city with a population of three hundred eighty thousand or more which is located in

more than one county which has occupancy capacity for patrons of at least three hundred and which has gross annual sales in excess of two hundred fifty thousand dollars and the establishment has been in operation for at least one year.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a place of entertainment in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 2, Section 311.098, Line 20, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**"; and

Further amend said bill, Page 2, Section 311.098, Line 25, by inserting immediately after the word "feet," the following: "**or in the case of an outdoor amusement place whose business property equals or exceeds one acre in size,**"; and

Further amend said bill, Page 2, Section 311.098, Line 27, by inserting after the word "basketball" the following: ", **miniature golf, darts, horseshoes**"; and

Further amend said bill, Page 3, Section 311.098, Line 1, by inserting after the word "occur," the following: "**or a motor speedway or drag strip where auto racing occurs, or an ice skating rink or roller skating rink,**"; and

Further amend said bill, Page 3, Section 311.098, Line 14, by inserting after all of said line the following:

"3. If any amusement place has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings on the same business property where intoxicating liquor is sold, such license shall be valid for the sale of intoxicating liquor at any such building."; and

Further amend said bill, Page 3, Section 311.098, Line 15, by striking the numeral "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 3, Section 311.098, Line 18, by striking "11:00" and inserting in lieu thereof the following: "[11:00] **9:00**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14 of said page, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provisions of chapter 311, RSMo, to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits equipment to properly preserve and serve distilled spirits. To facilitate the delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or

repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components; and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering same for a period of not less than one year."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 20, Section 311.660, Line 7, by inserting at the end of said line the following: **" ; and**

(11) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 22, Section 311.680, Line 7, by deleting the remainder of page 22 following line seven and all of page 23 and lines 1 and 2 on page 24; and further amend page 24, line 9, by deleting the words "shall not" and insert in lieu thereof the word **"may"**; and further amend page 24, line 12, by deleting the word "not" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 10:**

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, Page 24, Section 311.680, Line 14, by inserting immediately after said line the following:

"Section 1. 1. Any person who is licensed pursuant to chapter 311, RSMo, to sell or serve alcoholic beverages at any establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises.

2. Any employee of the supervisor of liquor control may report a violation of this section to the supervisor, and the supervisor shall issue a warning to the licensee of the violation."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HCS** for **HB 267**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senators			
Caskey	Russell	Westfall--3	
Absent--Senators			
Banks	Bentley--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 196**, as amended, and has taken up and passed **CCS** for **SB 196**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 294**, as amended, and has taken up and passed **CCS** for **SB 294**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended: Representatives Rizzo, Bonner, Mays (50), Hohulin and Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 368**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 368**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 30** and has again taken up and passed **SCS** for **HCR 30**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HCR 29** and has again taken up and passed **SCS** for **HCS** for **HCR 29**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HCRs 24** and **15** and has again taken up and passed **SCS** for **HCS** for **HCRs 24** and **15**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SCS** for **SBs 8** and **173**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 308** and **314**, as amended: Senators Scott, Staples, Mathewson, Sims and Mueller.

PRIVILEGED MOTIONS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 490 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 308

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Betty Sims
/s/ J. T. Howard
/s/ Mary Bland
/s/ Sidney Johnson
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Kate Hollingsworth
/s/ Pat Dougherty
/s/ Phillip M. Britt
/s/ Carson Ross
/s/ Emmy McClelland

Senator Sims moved that the above conference committee report be adopted.

At the request of Senator Sims, the motion to adopt the conference committee report was withdrawn.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **HB 20**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT
NO. 2 ON HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 20

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 20, with House Amendments Nos. 1, 2, 3, 4, 5 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 20, as amended;
2. That the Senate recede from its position on Senate Bill No. 20; and
3. That the attached Conference Committee Substitute No. 2 for House Substitute for House Committee Substitute for Senate Bill No. 20, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
 /s/ Joe Maxwell
 /s/ John D. Schneider
 /s/ Roseann Bentley
 /s/ Franc Flotron

FOR THE HOUSE:

/s/ Mike Schilling
 /s/ Craig Hosmer
 /s/ Vicky Riback Wilson
 /s/ Peter Myers
 /s/ Cindy Ostmann

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Kenney	Kinder	Klarich--3
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Absent--Senators--None

Absent with leave--Senators--None

Senator Goode moved that **CCS No. 2** for **HS** for **HCS** for **SB 20** be read the 3rd time and finally passed.

At the request of Senator Goode, the above motion was withdrawn.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 326**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 326

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 326; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 326;
2. That the Senate recede from its position on Senate Bill No. 326; and

3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 326 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Jerry Howard
/s/ Bill Kenney
/s/ Jim Mathewson
/s/ Betty Sims

FOR THE HOUSE:

/s/ Tim Harlan
/s/ Charles Q. Troupe
/s/ Lana Ladd Stokan
/s/ Mark Richardson
/s/ Patrick Naeger

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Singleton-- 1		
	Absent--Senators		
Schneider	Sims--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **HS** for **SB 326**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 326

An Act to repeal sections 197.310, 197.315, 197.325, 197.330, 197.335, 197.350, 197.360, 197.365, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.313, 197.316, 197.317, 197.318, 197.320, 198.067 and 198.439, RSMo Supp. 1998, relating to nursing home reimbursement and regulation, and to enact in lieu thereof thirty new sections relating to the same subject, with an emergency clause for certain sections, expiration dates for certain sections and penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples

Steelman
Yeckel--33

Stoll

Westfall

Wiggins

NAYS--Senators--None

Absent--Senator Sims--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Singleton--1

Absent--Senator Sims--1

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 368**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 368

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 368, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 368, as amended;
2. That the House recede from its position on House Bill No. 368;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Wayne Goode

/s/ John D. Schneider

FOR THE HOUSE:

/s/ Dana Murray

/s/ Timothy P. Green

/s/ Joe Maxwell
/s/ John T. Russell
/s/ Morris Westfall

/s/ Richard Franklin
/s/ Ed Hartzler
/s/ Judy Berkstresser

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Steelman--1		
	Absent--Senator Sims--1		
	Absent with leave--Senators--None		

On motion of Senator Goode, **CCS** for **SCS** for **HB 368**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 368

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 105.267, 217.665 and 476.380, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof eight new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Sims	Staples	Stoll
Westfall	Wiggins--22		
	NAYS--Senators		
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Singleton	Steelman	Yeckel--12
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 180**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 903, regarding the death of Clifford M. Davis, Raytown, which was adopted.

Senators Rohrbach and Mathewson offered Senate Resolution No. 904, regarding Harold and LaVern Jones, Pilot Grove, which was adopted.

Senator Rohrbach offered Senate Resolution No. 905, regarding the Morgan County R-1 High School Math Team, Stover, which was adopted.

Senator Banks offered Senate Resolution No. 906, regarding Pastor Bill L. Little, Memorial Missionary Baptist Church, St. Louis, which was adopted.

PRIVILEGED MOTIONS

Senator Wiggins moved that **SCS** for **SB 498**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 498**, as amended, was again taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 498**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	DePasco	Ehlmann
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Howard	Jacob	Mueller	Rohrbach
Sims--5			
Absent--Senators			
Banks	Bland	Childers	Clay
Flotron	Staples--6		

Absent with leave--Senators--None

On motion of Senator Wiggins, **HS** for **SCS** for **SB 498**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Goode	Howard	Jacob	Mueller
Rohrbach	Sims--6		
Absent--Senators			
Banks	Bland	Childers	Clay
Staples--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Having voted on the prevailing side, Senator Goode moved that the vote by which Conference Committee Report No. 2 for **HS** for **HCS** for **SB 20**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Clay	Ehlmann	Quick
Staples--5			
Absent with leave--Senators--None			

At the request of Senator Goode, the motion for adoption of the conference committee report no. 2 was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HS** for **HCS** for **SB 20**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 20**, as amended: Representatives Schilling, Hosmer, Riback Wilson, Myers and Ostermann.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, entitled:

An Act to repeal sections 64.170, 70.240, 72.409, 72.416, 249.645, 321.322, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760, 393.770, 640.605, 640.615, 644.051 and 650.295, RSMo 1994, and sections 71.012, 71.015, 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418, 72.422, 247.030, 247.040, 640.100, 640.620 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof sixty-one new sections relating procedures of certain political subdivisions, with an emergency clause for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 and 82, Page 130, Section 91.055, Line 18, by inserting after the following: "**91.055**" the following: "**1.**"; and

Further amend said bill, Page 131, Section 91.055, Line 2, by inserting after all of said line the following:

"2. In any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, when a public water supply district cannot fully supply the water needs of a customer, including fire fighting needs, a municipality adjacent to or overlapping such district shall have the right to supply all of the water requirements of such customer."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

"Section 20. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable."

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 19, Line 19, by inserting after all of said line the following:

"Section 21. 1. The governor is hereby authorized and empowered to transfer, grant and convey approximately one hundred five acres in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to the Missouri department of natural resources. The property to be conveyed to the Missouri department of natural resources by the governor, state of Missouri, is more particularly described as follows:

A 105-acres, more or less, of land located in that part of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, generally described as follows: lying south of and southwest of the Missouri Pacific Railroad, West of Workman's Creek, North of Missouri State Highway 179, and East and South of tract of land currently owned by Donald and Patsy Russell.

2. The Missouri Department of Natural Resources shall survey and legally describe the above tract of land, and the legal description of said survey shall be used in the instrument of conveyance from the Governor, State of Missouri, to the Department of Natural Resources.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 22. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey the remaining interest, after the transfer referred to in section 1 of this act, in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section.

2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 23. 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city

of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the city of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:

Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows:

BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING. Containing in all, .043 acres.

2. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, Page 32, Section 278.300, Line 18 of said page, by inserting after all of said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390, certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next

succeeding registration which is required by law;

(8) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control

Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 60, Section 640.620, Line 16 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved [under] **pursuant to** the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection [under] **pursuant to** federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335[;]. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the six months immediately preceding the date of sale, and, for the purpose of registration of such vehicle, the date of inspection shall be defined to be the date of sale.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade] or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than [one thousand] **five hundred** additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days [if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 160 & 82, Page 107, Section 72.403, Line 21, by inserting immediately after the word "act" the following: ", **except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding the requirements of section 1 of this act**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 160 & 82, Page 29, Section 249.645, Line 14, by inserting after all of said line the following:

"278.220. 1. If the proposed subdistrict lies in more than one soil and water conservation district, the petition may be presented to the board of soil and water district supervisors of any one of the districts, and the soil and water supervisors of all the districts shall act jointly as a board of soil and water district supervisors with respect **only** to [all matters concerning the subdistrict, including its formation] **matters including the formation, consolidation, expansion or disestablishment of the subdistrict**. They shall organize as a single board for such purposes and shall designate the chairman, vice chairman, and secretary-treasurer to serve for terms of one year. [After organizing, they may continue to meet as a single board for purposes of governing the subdistrict or they may meet as individual county boards and act, individually, on the minutes of meetings of the trustees of the subdistrict, as specified in section 278.240.] A subdistrict which lies in more than one soil and water conservation district shall be formed in the same manner and shall have the same powers and duties as a subdistrict formed in one soil and water conservation district.

2. Following the entry in the official minutes of the board or boards of soil and water district supervisors of the creation of the subdistrict, the soil and water supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

278.240. 1. The board of soil and water conservation district supervisors of **the** soil and water conservation district in which the subdistrict is formed shall [be the governing body of] **act in an advisory capacity to the subdistrict board**. When a subdistrict lies in more than one soil and water conservation district, the combined boards of soil and water conservation district supervisors shall [be the governing body] **act in an advisory capacity to the subdistrict**.

2. Five persons living within the subdistrict shall be elected to serve as trustees of the subdistrict. The trustees shall be elected by a majority vote of all landowners participating in the referendum for the establishment of the subdistrict, but the date of the election shall not fall upon the date of any regular political election held in the county. The ballot submitting the proposition to form the subdistrict shall be so worded as to clearly state that a tax, not to exceed forty cents on one hundred dollars valuation of all real estate within the subdistrict, will be authorized if the subdistrict is formed. In subdistricts formed after September 28, 1977, two trustees shall be elected for a term of six years, two shall be elected for a term of four years, and one shall be elected for a term of two years. Their successors shall be elected for terms of six years. In any district in existence on September 28, 1977, the three trustees holding office shall continue as trustees. At the next scheduled election within the subdistrict, two additional trustees shall be elected. One of the additional trustees shall be elected for a term of four years and one shall be elected for a term of six years. Each successor shall be elected for a term of six years. The trustees shall elect one of their members as chairman and one of their members as secretary to serve for terms of two years. [If the governing board so designates the trustees may] **The trustees shall** act in all matters pertaining to the subdistrict, except those concerning formation, consolidation, expansion or disestablishment of the subdistrict. [All official actions taken by the trustees, however, shall be subject to the ratification of a majority of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed. No actions taken by the trustees shall become effective until ratification of a majority of the governing boards has taken place. At the next regular meeting following any meeting of the trustees, each governing board may place on their agenda for approval or disapproval the actions taken by the trustees. Failure to take

action by any board shall be construed as disapproval of all actions taken by the trustees. It shall be the responsibility of the secretary of the trustees to see that each governing board has a copy of the minutes of each meeting held by the trustees at least two days prior to the next regular meetings of these boards. If the governing board shall decide to continue meeting as a single board for purposes of governing the subdistrict, the trustees shall serve as an advisory body only. The trustees shall be reimbursed for mileage expense incurred in the attendance of meetings of the governing body of the subdistrict and shall also be reimbursed for mileage expense incurred in the attendance of meetings of their own members. One trustee per meeting may be reimbursed for mileage expense incurred in the attendance of meetings of the governing boards of the individual soil and water conservation districts from which the subdistrict was formed.] **It shall be the responsibility of the secretary of the trustees to see that each soil and water district board included in the subdistrict is provided a copy of the minutes of each meeting held by the trustees. The trustees shall be reimbursed for expenses incurred relating to the business of the subdistrict.**

278.245. [The governing body of the subdistrict or the trustees of the subdistrict, when acting with the approval of the governing body as provided in section 278.240, shall have, in addition to other authority granted in other sections of this law, the following authority in governing subdistricts] **The trustees of the subdistrict shall have the following authority:**

- (1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings [in the manner provided in] **pursuant to** chapter 523, RSMo, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the subdistrict; provided that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is established that acquisition of the land proposed to be condemned is necessary for the purposes of the subdistrict; and to sell, lease or otherwise dispose of any of its property or interest therein [in furtherance of the purposes and provisions of] **pursuant to** sections 278.160 to 278.300;
- (2) To construct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary for the performance of any of the operations authorized by sections 278.160 to 278.300;
- (3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses or for carrying out any authorized purpose of such subdistrict, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such subdistrict as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds [as provided in] **pursuant to** section 278.280;
- (4) To levy an annual tax and organization tax on the real property within the subdistrict subject to the limitations provided in section 278.250 for payment of the costs for carrying out any authorized purpose of such subdistrict;
- (5) To make assessments on the real property within the subdistrict for special benefits to such real property accruing as a result of the construction of any works of improvement by the subdistrict.

278.250. 1. In order to facilitate the preliminary work of the subdistrict [the governing body of the subdistrict or], the trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] may levy an organization tax [of] not to exceed forty cents per one hundred dollars of assessed valuation of all real estate within the subdistrict, the proceeds of which may be used for organization and administration expenses of the subdistrict, the acquisition of real and personal property, including easements for rights-of-way, necessary to carry out the purposes of the subdistrict. This levy may be made one time only. The organization tax may be imposed [as provided for in] **pursuant to** subsections 4 and 5 of this section.

2. After the [governing body or the] trustees of the subdistrict[, when acting with the approval of the governing body as provided in section 278.240,] have obtained agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than sixty-five percent of the lands situated in the subdistrict, an annual tax may be imposed for construction, repair, alteration, maintenance and operation of the present and future works of improvement within the boundaries of the subdistrict in order to participate in funds from federal sources appropriated for watershed protection and flood prevention. The annual tax may be imposed as provided for in subsections 4 and 5 of this section.

3. Within the first quarter of each calendar year, the trustees for the subdistrict shall prepare an itemized budget of the funds needed for administration of the subdistrict and for construction, operation and maintenance of works of improvement for the ensuing fiscal year. The budget shall be subject to the approval of the [governing body of the] subdistrict [as provided in] **trustees pursuant to** section 278.240.

4. The [governing body or the] trustees of the subdistrict, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, shall make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict to raise the needed amounts, but in no event shall the levy exceed forty cents on each one hundred dollars of assessed valuation per annum and, on or before the first day of September of each year, shall certify the rate of levy to the county commission of the county or counties within which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict, in addition to such other taxes as are levied by the county commission.

5. The body having authority to levy taxes within the county shall levy the taxes provided in this law, and all officials charged with the duty of collecting taxes shall collect the taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected; computation shall be made on the regular tax bills, and when collected shall pay the same to the subdistrict ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the subdistrict. The proceeds shall be kept in a separate account by the treasurer of the subdistrict and identified by the official name of the subdistrict in which the levy was made. Expenditures from the fund shall be made on requisition of the chairman and secretary of the [governing body of the subdistrict or, alternately, on requisition of the chairman of the governing body of the subdistrict and the chairman of the trustees of the] subdistrict **board of trustees**.

6. All taxes levied under this law, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the perpetual lien of subdistrict taxes.

7. If the taxes levied are not paid as provided in this section, then the delinquent real property shall be sold at the regular tax sale for the payment of the taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at the tax sale for the property so offered, the property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town, and city taxes.

8. For purposes of section 22 of article X of the Constitution of Missouri, the tax authorized in the ballot submitting the proposition to form the subdistrict under section 278.240, if approved by a majority of the voters on or prior to November 4, 1980, shall be deemed the current levy authorized by law on November 4, 1980, if on that date a levy was not actually imposed or was imposed in a lesser amount. This tax shall also be considered as the 1984 tax for purposes of section 137.073, RSMo, in the event no levy was imposed by the subdistrict for that year.

278.280. 1. When a plan of work is approved [the governing body or], the trustees of the subdistrict, [when acting with the approval of the governing body] as provided in section 278.240, shall then by resolution propose that the cost of all works of improvement contemplated in the plan be paid either by a general levy against all real estate in the subdistrict, subject to the limitations of section 278.250, or that such cost be paid by special assessment against lands within the subdistrict to be benefitted by the installation of the proposed works of improvement, or that such cost be paid by both such general levy and special assessment stating the portion to be paid by each method.

2. If the resolution of financing provides that all or any part of the cost of the works of improvement is to be paid by special assessment of benefits [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body] as provided in section 278.240, [shall] appoint three appraisers, who shall be residents of the state of Missouri, and who shall not be landowners in such subdistrict, who shall recommend apportionment of the special assessment to the tracts of land which will receive benefits from the installation of the works of

improvement proposed in the plan of work. The appraisers shall have access to all available engineering reports and data pertaining to the works contemplated and may request additional legal counsel or engineering data from a registered professional engineer as found necessary to carry out their duties.

3. The appraisers shall proceed to view the premises and determine the value of all land or other property within or without the subdistrict, to be acquired and used for rights-of-way or other works set out in the plan of work; they shall assess the amount of benefits, and the amount of damage if any, that will accrue to each governmental lot, forty-acre tract or other subdivision of land according to ownership, railroad and other rights-of-way, railroad roadways, and other property from carrying out and putting into effect the plan of work heretofore adopted, and shall make written reports of their findings to the [governing board] **trustees** of the subdistrict. Each appraiser so appointed shall be paid [fifteen dollars per day] for his **or her** services and necessary expenses [in addition thereto].

4. Upon receiving the report from the appraisers, [the governing body or] the trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] prepare a resolution which shall contain a list of the tracts of land found to be benefited and the amount of assessment to be levied against each such tract, except that no such assessment against any tract of land shall exceed the estimated benefits to such land by such project. Such tracts of land shall be legally described and the names of the owners thereof shall be set forth beside the description of each tract so listed. After adopting such resolution [the governing body or], the trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] fix a time and place for hearing any complaint that may be made as to the benefit to any tract of land appraised, notice of which hearing shall be given by the secretary by publication [as in] **pursuant to** section 278.190. The board **of trustees** at the hearing may alter the benefits to any tract if, in its judgment, the same has been appraised too high or too low. The hearing shall be conducted in the manner set forth in section 278.200. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] immediately after the hearing pass a resolution fixing the benefit assessment as to each tract of land.

5. After the resolution fixing the benefit assessment has been adopted the [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] submit the proposal for collection of such assessed benefits to the owners of the lands so assessed for approval and if bonds are to be issued the amount of the issue so proposed, the rate of interest, and the amount of any necessary tax levy in excess of the amount authorized in section 278.250. If two-thirds of the owners of such lands voting favor the proposal as submitted, it shall be adopted. The provisions of sections 278.190 to 278.210 as to notice and procedure shall apply to the referendum held [under] **pursuant to** this section.

6. The [governing body or the] trustees of the subdistrict **shall**, [when acting with the approval of the governing body as provided in] **pursuant to** section 278.240, [shall] make the necessary general levy against all real estate in the subdistrict and the special assessment against lands within the subdistrict to be benefited by the improvement and shall certify the rate of levy and the amount of the special assessment to the county commission of the county or counties in which the subdistrict is located with directions that at the time and in the same manner required by law for the levy of taxes for county purposes the county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all real estate within the subdistrict and shall levy the amount of the special assessment, in addition to such other taxes as are levied by the county commission.

7. The bond issue, authorized by this section in whole or part, may be offered for sale to the [Farmers Home Administration] **United States Department of Agriculture's Rural Development** or other federal agency without public offering or the securing of competitive bids on such bond offering.

278.290. 1. After a subdistrict has been organized for more than five years and [said] **such** subdistrict does not have any outstanding bonds, has not constructed or contracted to construct any works of improvement, nor incurred any continuing obligations for maintenance and operation of any works of improvement or if any works of improvement have been constructed, if there are no bonds outstanding, and an agency of the United States government or the state of Missouri or a county or municipal corporation of this state has made arrangements satisfactory to the Secretary of Agriculture and the state soil and water districts commission to assume responsibility for operating and maintaining

such improvement, not less than fifty percent of the landowners of the subdistrict may petition the [governing body] **soil and water district board** of the subdistrict to call for and conduct a referendum upon the disestablishment of the subdistrict. If sixty-five percent of the landowners voting in referendum do vote in favor of the disestablishment of the subdistrict, the [governing body] **soil and water district board** shall declare the subdistrict to be disestablished; however, prior to any such declaration the [governing body] **soil and water district board** shall pay or make arrangements to pay any outstanding indebtedness. The provisions of sections 278.190, 278.200 and 278.210 as to notice, qualification of voters and manner of holding the referendum in organizing a subdistrict to the extent practicable shall apply to the referendum held [under] **pursuant to** this section.

2. Following the entry in the official minutes of the board or boards of soil and water conservation district supervisors of the disestablishment of the subdistrict, the soil and water conservation district supervisors shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds of each county in which any portion of the subdistrict lies, and with the state soil and water districts commission.

3. Whenever a subdistrict is declared to be disestablished, the respective boards of supervisors of the soil and water conservation districts in which the subdistrict was formed shall take charge of all property and funds of the subdistrict. After all property has been sold and the obligations of the subdistrict are met, any remaining funds shall be turned over to the county commissions of the respective counties.

278.300. If a soil and water conservation district is disestablished [as provided by] **pursuant to** section 278.150, the state soil and water districts commission shall [become the governing body] **have the same responsibilities as the soil and water conservation district with respect to formation, consolidation and disestablishment** of any subdistrict or portion thereof, organized within the boundaries of such soil and water conservation districts [and shall be entitled to all benefits and powers heretofore granted to such governing body by sections 278.160 to 278.300, including the levy and collection of taxes]. **In all other matters, the commission shall act in an advisory capacity.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, Page 16, Section 71.015, Line 21, by inserting immediately after said line the following:

"72.424. Notwithstanding any other provisions of sections 72.400 to 72.422, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being of the third classification with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of the effective date of this section. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, 2000."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill Nos. 160 & 82, Page 94, Section 22, Line 19, by inserting the following:

Section 22. Notwithstanding any other provision of law to the contrary, from April 1, 2000, to April 1, 2001, any person required to obtain a motor vehicle emissions inspection shall have the option to obtain an emissions inspection pursuant to section 307.366, RSMo, which shall be valid for one year, or to obtain an emissions inspection pursuant to section 643.315, RSMo, which shall be valid for two years. The director of the department of revenue shall have the authority to promulgate any rules or regulations necessitated by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 326** and has taken up and passed **CCS** for **HS** for **SB 326**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 20**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SPA 1** to **HA 1** for **SCR 13** and has taken up and adopted **SCR 13** as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 20**, as amended: Senators Goode, Bentley, Flotron, Maxwell and Schneider.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HS** for **HCS** for **HB 793**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 3** was again taken up.

At the request of Senator Flotron, the above substitute amendment was withdrawn.

Senator Stoll offered **SSA 2** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 4 of said page, by striking the word "twenty" and inserting in lieu thereof the word "**five**"; and

Further amend said bill, Page 28, Section 572.010, Line 1 of said page, by striking the word "twenty" and inserting in lieu thereof the word "**five**".

Senator Stoll moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 2** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 1, Lines 2 and 5, by striking the word "five" appearing therein and substitute "two".

Senator Schneider moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** to **SSA 2** for **SA 3** and was joined in his request by Senators Flotron, Childers, Schneider and Russell.

SA 1 to **SSA 2** for **SA 3** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Ehlmann
Goode	Graves	House	Kenney
Kinder	Klarich	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Yeckel--17			

NAYS--Senators

Bland	Clay	DePasco	Flotron
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Singleton
Staples	Stoll	Westfall	Wiggins--16

Absent--Senator Banks--1

Absent with leave--Senators--None

SSA 2 for **SA 3**, as amended, was again taken up.

At the request of Senator Stoll, the above substitute amendment was withdrawn.

Senator Flotron offered **SSA 3** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 3 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 27, Section 572.010, Line 2, by deleting the complete sentences on line 2 through 5 and lines 24 through 2 of page 28 and inserting in lieu thereof the following:

"No amusement devise, as described in section 572.010, RSMo, that is operating in this state shall allow the wholesale value of any prize for a single play to exceed the amount of the value of a single play of the amusement device or five dollars whichever is greater, nor shall the value of any prize for multiple plays exceed the cumulative value of play of the amusement device or two hundred fifty dollars, whichever is lesser; and such prizes shall not thereafter be sold or transferred for cash or any other consideration."

Senator Flotron moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 3** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 3 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 3 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, by inserting at the end of the last line: "except that the value may also not exceed four times the value of the play for players under the age of 16 years".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SSA 3 for **SA 3**, as amended, was again taken up.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 39, Section 7, Line 15 of said page, by inserting the following immediately after said line the following:

"Section 8. Each owner or operator of a game or amusement redemption device as described in this act may place on such game or amusement redemption device prior to commencement of its commercial operation a seal or sticker, displaying the name, address, and phone number of the owner or operator, the date on which the seal or sticker was placed on the game or amusement redemption device, and the date on which the game or amusement redemption device was last serviced or repaired. The owner or operator may file, with the Missouri gaming commission, a bond in the amount of ten thousand dollars. In the event that any agent or employee of the Missouri gaming commission, or any law enforcement person, determines that such a seal or sticker has been placed on a machine which does not meet the definition of game or amusement redemption device as described in this act, the Missouri gaming commission shall apply to the appropriate circuit court for forfeiture of the bond and for suspension or revocation of the business license under which the owner or operator is conducting business. Any machine displaying a seal shall not be subject to seizure, unless it is determined that the machine is a type of device not permitted by this Act."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell assumed the Chair.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, page 21, Section 313.830, Line 5, by inserting the following added subsection:

"3. Subsection 2(2), providing for a criminal liability for a person under twenty-one years of age, shall not effect or limit the liability of an operator of a gambling excursion to reimburse for any net gambling losses sustained by a minor because the operator permitted the under age wagering."; and renumber the subsections accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 35, Section 3, Line 18 of said page, by adding at the end of said line the following: "An amount equal to at least fifty percent of the gross receipts from any raffle shall be awarded as prizes unless all the prizes are donated and unless the tickets note that there is no limit on the number of tickets that may be sold.".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Section 313.812, Page 17, Line 4, by inserting after all of said line the following:

"313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety shall also be used to guarantee the completion of any expansion or modification of a gambling boat in a time period approved by the commission, which shall not exceed two years from the date of approval of the expansion or modification. Failure to complete an approved expansion or modification of a gambling boat within the two-year period shall be considered sufficient grounds for not renewing the license for that gambling boat.** The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Page 2, Section 313.815, Line 11 of said page, by adding the following: "After the two-year period has expired, the county assessor may assess the property at the value it would have if it were completed.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Childers, Kenney and Singleton.

SA 7, as amended, failed of adoption by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Mueller	Russell
Schneider	Sims	Singleton--15	

NAYS--Senators

Banks	Bland	Clay	DePasco
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Rohrbach	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--18		

Absent--Senator Klarich--1

Absent with leave--Senators--None

Senator Ehlmann offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, Section 313.812, Page 17, Line 4, by inserting after all of said line the following:

"313.815. A licensee licensed to operate gambling games under sections 313.800 to 313.850 shall post a bond or other form of surety from a firm licensed to conduct a surety business in this state, as approved by the commission, to the state of Missouri before the license is issued in a sum as the commission shall fix, with sureties approved by the commission. The bond or other form of surety approved by the commission shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports and conducts its gambling games in conformity with sections 313.800 to 313.850 and the rules adopted by the commission. **The bond or other form of surety shall also be used to guarantee the completion of any expansion or modification of a gambling boat in a time period approved by the commission, which shall not exceed three years from the date of approval of the**

expansion or modification. Failure to complete an approved expansion or modification of a gambling boat within the three-year period shall be considered sufficient grounds for not renewing the license for that gambling boat. The bond or other form of surety approved by the commission shall not be canceled by a surety on less than thirty days' notice in writing to the commission. If a bond or other form of surety approved by the commission is canceled and the licensee fails to file a new bond or other form of surety approved by the commission with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond or other form of surety approved by the commission is limited to the amount specified in the bond or other form of surety approved by the commission."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Mathewson, **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Clay	DePasco
Ehlmann	Flotron	Graves	House
Jacob	Johnson	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Banks	Caskey	Childers	Goode
Howard	Kenney	Kinder	Russell
Schneider	Singleton--10		
Absent--Senator Klarich--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sims moved that the conference committee report on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kinder	Maxwell	Mueller
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--25			

NAYS--Senators

Caskey	Graves	Kenney	Rohrbach
Russell	Westfall--6		

Absent--Senators

Klarich	Mathewson	Quick--3
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Absent with leave--Senators--None

Senator Wiggins assumed the Chair.

On motion of Senator Sims, **CCS** for **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 490 AND

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 308

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.485, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to the regulation of certain child care providers, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions, a termination date for certain sections and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kinder
Mathewson	Maxwell	Quick	Schneider
Sims	Staples	Steelman	Stoll
Wiggins--21			

NAYS--Senators

Caskey	Clay	Graves	Kenney
Rohrbach	Russell	Scott	Singleton
Westfall	Yeckel--10		

Absent--Senators

Banks	Klarich	Mueller--3
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause failed to receive a two-thirds majority by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Scott
Sims	Staples	Steelman	Stoll
Wiggins--21			
NAYS--Senators			
Caskey	Clay	Graves	Kenney
Kinder	Rohrbach	Russell	Schneider
Singleton	Westfall	Yeckel-- 11	
Absent--Senators			
Banks	Klarich--2		
Absent with leave--Senators--None			

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode moved that the conference committee report no. 2 on **HS** for **HCS** for **SB 20**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Johnson	Klarich	Mathewson
Scott--5			
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS No. 2** for **HS** for **HCS** for **SB 20**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

NO. 2 FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 20

An Act to repeal sections 88.812 and 89.410, RSMo 1994, and sections 32.110, 32.111, 32.112, 32.115, 67.1421, 67.1461, 67.1501, 67.1531, 135.530 and 135.535, RSMo Supp. 1998, relating to community improvement, and to enact in lieu thereof forty new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Maxwell
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Banks	Johnson	Klarich	Mathewson
Mueller	Quick	Schneider	Scott--8

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Clay, **HS** for **HCS** for **HBs 246** and **405**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 603, 722** and **783**, with **SCS**, entitled:

An Act to repeal sections 34.040, 260.205 and 260.273, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Goode.

SCS for **HCS** for **HBs 603, 722** and **783**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 603, 722 and 783

An Act to repeal section 260.209, RSMo 1994, and sections 34.040, 260.205, 260.273, 260.330 and 319.131, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HBs 603, 722 and 783** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, pages 19-20, Section 2, Lines 1-8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 15, Section 260.330, Line 48, by striking all of said line and inserting in lieu thereof the following: "**area may designate, pursuant to this section, up to two free disposal days during each**"; and further amend line 49, by striking "each" and inserting in lieu thereof the following: "**any such**"; and further amend line 52, by striking "the" and inserting in lieu thereof the following: "**any**"; and further amend line 53, by striking "days" and inserting in lieu thereof the following: "**day**"; and further amend line 55, by striking the following: "Only one free disposal day shall be"; and further amend line 56, by striking all of said line.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 20, Section 2, Line 8, by inserting immediately thereafter, the following:

"Section 3. 1. The director of the department of natural resources is hereby authorized and empowered to grant, bargain, sell and convey by quit claim deed to the highest competitive bidder or bidders a certain portion or portions of Lake of the Ozarks State Park, Camden County, Missouri. Missouri department of transportation roadway development of new United States Highway 54 (MoDOT Job. No. J5P0309B) will negatively impact and sever approximately thirty-four acres of wooded, undeveloped parkland. The department of natural resources desires to market and sell the severed property and mitigate, in accordance with National Park Service parameters, the loss of such parkland through the purchase of in holding or adjoining properties. The property to be sold and conveyed by the director of the department of natural resources is more particularly described as follows:

PART OF GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 15 WEST, CAMDEN COUNTY, MISSOURI COMPRISING THAT PORTION OF STATE PARKLAND SITUATE BETWEEN EXISTING U.S. HIGHWAY 54 AND PROPOSED NEW U.S. HIGHWAY 54.

2. The attorney general shall approve the form of the instrument or instruments of conveyance."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 20, Section 2, Line 8, by inserting after all of said line the following:

"Section 3. Notwithstanding the provisions of section 319.100, RSMo, and subdivision (1) of subsection 3 of section 319.131, RSMo, the fund shall provide moneys for cleanup of contamination caused by the releases from piping or related equipment of a petroleum storage tank with a capacity of five thousand gallons or less when such retailer is the sole provider of retail fuels within a five mile area. The costs of the cleanup must be incurred after April 1, 1999, and prior to April 1, 2000. The retailer must make application for participation in the fund by August 28, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 15, Section 260.330, Line 56, by inserting immediately after said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census[, as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested **annually** to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.**

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; [and]
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law[.]; **and**

(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an emission inspection pursuant to section 643.315, RSMo; and

(9) Any motor vehicle sold or transferred that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official [safety and] emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official [safety and] emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official [safety and] emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing

the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each [safety and] emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, [safety and] emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official [safety and] emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official [safety and] emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, **except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.**

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually [during the month of August or], **but the inspection of the vehicle shall not be made more than sixty days** prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe to determine that it does not protrude from the bus;
- (7) The emergency [door] **doors and exits** to determine [that it is] **them to be** unlocked and easily opened as required;
- (8) The lettering and signing on the front, side, and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 shall be applicable.

307.390. **1.** Any person who violates any provision of sections 307.350 to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall

have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent."; and

Further amend said bill, page 19, section 319.131, line 149, by inserting immediately after said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program [under] pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305. The commission shall ensure that, for each nonattainment area, the state implementation plan established [under] pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established [under] pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated [under] pursuant to this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission [under] pursuant to this section in lieu of the provisions of section 307.366, RSMo.

2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

[2.] **3. (1) The department [shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.**

3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.], with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no

less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section.

6. With approval of the commission and [under] **pursuant to** rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and [under] **pursuant to** rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in

facilities established [under] **pursuant to** this subsection shall be performed by a contractor selected by the commission [under] **pursuant to** this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, **which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo,** shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section [301.250] **301.550**, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.**

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade or the purchaser and dealer may enter into any other mutually acceptable agreement]. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser

has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, [or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established [under] **pursuant to** subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) [Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins;

(2)] Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and

[(3)] **(2)** Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.
3. The fee shall be conspicuously posted on the premises of each emissions inspection station.
4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.
5. The contractor shall remit the portion of fees collected, as established by the commission [under] **pursuant to** this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural resources, the Missouri highway patrol, and other appropriate agencies**. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.
6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

643.355. 1. Any person who knowingly misrepresents himself **or herself** as an official emissions inspection station [shall be] **or an inspector or a recognized repair technician is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of an infraction.

4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved [under] **pursuant to** sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required [under] **pursuant to** section 643.315 [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 [shall be] **is** guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 [shall be] **is** subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Pages 2-3, Section 34.040, Lines 46-48, by striking all of said lines and inserting in lieu thereof the following: "**section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 19, Section 1, Lines 4-6, by striking all of said lines and inserting in lieu thereof the following: "**implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 19, Section 319.131, Line 149, by inserting after all of said line the following:

"11. Any retail gas station or convenience store meeting the threshold requirements of 40 CFR Section 370.10 shall be exempt from the requirements of section 292.602, RSMo, if such retail gas station or convenience store is in compliance with state and federal underground storage tank regulations."

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, Page 19, Section 319.131, Line 149, by inserting after all of said line the following:

"11. Effective August 28, 2000 any retail gas station or convenience store meeting the threshold requirements of 40 CFR Section 370.10 shall be exempt from the requirements of section 292.602, RSMo, if such retail gas station or convenience store is in compliance with state and federal underground storage tank regulations."

Senator Ehlmann moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 7 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Goode moved that **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HB 191**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Rohrbach, the above amendment was withdrawn.

SS for **SCS** for **HB 191**, as amended, was again taken up.

At the request of Senator Maxwell, **SS** for **SCS** for **HB 191**, as amended, was withdrawn.

Senator Maxwell offered **SS No. 2** for **SCS** for **HB 191**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 191

An Act to repeal section 630.003, RSMo 1994, and sections 191.656, 376.779 and 376.811, RSMo Supp. 1998, relating to health services, and to enact in lieu thereof fourteen new sections relating to the same subject, with an expiration date for certain sections.

Senator Maxwell moved that **SS No. 2** for **SCS** for **HB 191** be adopted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 191, page 32, Section 2, Line 1 of said page, by inserting after all of said line the following:

"Section 3. Nothing in section 376.1361, RSMo, shall require a health carrier to pay for services which were authorized through utilization review for precertification, if the services are not otherwise covered under the health benefit plan."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Howard, Kinder and Singleton.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Ehlmann	Flotron	Kenney	Klarich
Mueller	Rohrbach	Sims	Singleton
Steelman	Westfall--10		
	NAYS--Senators		
Banks	Bland	Caskey	Childers
Clay	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Kinder	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Staples
Stoll	Wiggins	Yeckel--23	
	Absent--Senator Bentley--1		
	Absent with leave--Senators--None		

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Page 29, Section 630.003, Line 2, by inserting after all of said line the following:

"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use a standardized form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

2. The standardized form developed by the task force as established in section 376.1408 shall contain the following:

(1) The name of the insured;

(2) The insured's identification number;

- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**
- (6) The amount paid and any balance due;**
- (7) The procedure code;**
- (8) The patient's full name; and**
- (9) The phone number and name of whom to contact for questions on explanation of benefits.**

3. All health insurance carriers shall use the standard explanation of benefits form after January 1, 2002.

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provide of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by sections 376.1400 and 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;**
- (2) Three representatives from the insurance industry; and**
- (3) Three members from the general public.**

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Yeckel offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, page 24, Section 376.835, Line 15, by inserting after all of said line the following:

"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use standardized information for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, short-term major medical policies of six months or less duration, other limited benefit health insurance policies.

2. The standardized information shall contain the following:

- (1) The name of the insured;**
- (2) The insured's identification number;**
- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**
- (6) The amount paid;**
- (7) The patient's full name;**
- (8) The name and address of the insurer; and**
- (9) The phone number to contact for questions on explanation of benefits.**

3. All health insurance carriers shall use the standard explanation of benefits information after January 1, 2002.

376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use standardized information for referrals. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to such terms in section 376.1350.

2. The referral information shall contain the following:

- (1) The name of the insured;**
- (2) The name, address and phone number of the health carrier;**
- (3) The identification number and group number of the insured;**

- (4) The type of referral;
 - (5) The name, address and phone number of the health care provider referring the insured;
 - (6) The name, address and phone number of the health care provider to whom the insured was referred to;
 - (7) The number of visits requested and authorized; and
 - (8) The health carrier's authorization number.
- 3. All health care providers and health carriers shall use the standardized referral information after January 1, 2002.";** and

Further amend title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 191, Pages 24-29, Section 630.003, by striking the entire section from the bill; and further amend the titling and enacting clauses accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS No. 2** for **SCS** for **HB 191**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS No. 2** for **SCS** for **HB 191**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HCS for **HBs 316, 660** and **203**, with **SCS**, entitled:

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Howard.

SCS for HCS for HBs 316, 660 and 203, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 316, 660 and 203

An Act to repeal sections 198.070, 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS for HCS for HBs 316, 660 and 203** be adopted.

Senator Howard offered **SS for SCS for HCS for HBs 316, 660 and 203**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 316, 660 and 203

An Act to repeal sections 198.070, 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, and section 198.067, RSMo Supp. 1998, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Howard moved that **SS for SCS for HCS for HBs 316, 660 and 203** be adopted.

Senator Staples assumed the Chair.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 316, 660 and 203, Page 25, Line 11, by inserting after all of said line the following:

"Section 5. For any residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility, if the department of social services maintains records of site inspections and violations of statutes, rules, or the terms or conditions of any license issued to such facility, the department shall also maintain records of compliance with such statutes, rules, or terms or conditions of any license, and shall

specifically record in such records any actions taken by the facility that are above and beyond what is minimally required for compliance."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 316, 660 and 203, Pages 21-23, Sections 3-4, by deleting said sections; and amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills 316, 660 and 203, page 25, Section 5, Line 11, by inserting after all of said line the following:

"Section 6. For purposes of sections 3 to 13 of this act, the following terms mean:

- (1) "Bedding", any mattress, box springs, foundation or studio couch made, in whole or part of, new or secondhand fabric, filling materials, or other materials, which can be used for sleeping or reclining purposes. The term bedding does not include any component from which bedding is made;**
- (2) "Department", the department of health;**
- (3) "Director", director of the department of health;**
- (4) "Manufacture", the making of bedding out of new material;**
- (5) "New material", any fabric, filling material, other material or article of bedding that has not been previously used for any purpose, including by-products of any textile or manufacturing process that are free from dirt, insects and other contamination;**
- (6) "Person", an individual, sole proprietorship, partnership, limited liability company, corporation, joint venture, association, trust and any other entity and the agents, servants and employees of any of them;**
- (7) "Renovator", a person that repairs, makes over, recovers, restores, sanitizes, germicidally treats, cleans or renews bedding;**
- (8) "Sanitizer", a person that sanitizes, germicidally treats or cleans, but does not otherwise alter, any fabric, filling material, other materials, or article of bedding for use in manufacturing or renovating bedding;**
- (9) "Secondhand material", any fabric, filling material, other material, or article of bedding that has been previously used for any purpose or is derived from post-consumer or industrial waste and that may be used in place of new material in manufacturing or renovating bedding;**
- (10) "Seller", includes a person that offers or exposes for sale, barter, trades, delivers, consigns, leases, possesses with intent to sell, or disposes of bedding in any commercial manner at the wholesale, retail or other**

level of trade.

Section 4. 1. All bedding manufactured, renovated, sanitized or sold within the state shall bear a clear and conspicuous label that explicitly states whether the bedding is made from all new materials, or is made in whole or in part from secondhand materials. The label on bedding made from all new materials shall be white in color and shall state "ALL NEW MATERIAL" and the label on bedding made in whole, or in part, from secondhand materials shall be yellow in color and shall state "SECONDHAND MATERIALS". Such labels shall also comply with rules issued by the department regarding label dimension, format, informational content, wording, letter size, material, means of placement and affixing to the bedding, and other relevant factors.

2. A person may not remove, deface or alter in whole, or part, a label or any statement on a label to defeat the provisions of sections 3 to 13 of this act.

3. Labels required by sections 3 to 13 of this act shall be permanently affixed.

4. No person may make a false or misleading statement on any label required pursuant to sections 3 to 13 of this act.

Section 5. 1. The director of the department of health shall approve the form and size of labels, the fabric of which the labels are made and the wording and statements on such labels, provided for in sections 3 to 13 of this act.

2. Labels required pursuant to sections 3 to 13 of this act shall be securely attached to the article of bedding or such filling material at the site of the manufacturer, in a conspicuous place where the label can be easily examined.

3. Labels required by sections 3 to 13 of this act shall have printing only on one side. No advertising matter may be placed on any label or any other printed matter not required by the provisions of sections 3 to 13 of this act.

Section 6. The contents and uses and percentage of filling materials used in articles of bedding and in bulk form which is either concealed or not concealed shall be stated on the label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the label in order of predominance with the component with the largest content listed first.

Section 7. The following statements and headings shall be shown on labels:

(1) "UNDER PENALTY OF LAW THIS TAG SHALL NOT BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label;

(2) Headings shall read "All New Material" when the material is wholly new; "Secondhand Material" when the material, in whole or in part, has been used for another purpose before being incorporated into the article or material;

(3) Description of filling material as provided in the applicable regulations;

(4) The registry number assigned or approved by the department of health;

(5) Certification is made by the manufacturer that the materials in this article are described in accordance with law;

(6) For renovated articles, the name and address of the owner;

(7) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.

Section 8. The department of health may establish grades, specifications and tolerances for the kinds and qualities of materials which are used or intended to be used in the manufacture, repair or renovation of used bedding or used filling materials and may approve or adopt designations and rules which are not in conflict with any provisions of sections 3 to 13 of this act, for the labeling of articles filled, with such materials.

Section 9. The repairer or renovator of any bedding which is subsequently sold shall affix the previously used material label, which shall be attached to the article before delivery to the owner.

Section 10. 1. Each bedding manufacturer, renovator or sanitizer shall register with and obtain an initial permit and permit number from the department, which permit shall be renewed annually.

2. Upon timely request by an applicant for an initial permit, the department shall recognize a valid registry, license, permit or factory number issued by another state or jurisdiction, provided that, the applicant complies with all requirements established by the department for issuance of a permit number in this state.

3. The department shall set fees for each class of initial and annual renewal permits, including, but not limited to, manufacturers, renovators and sanitizers in amounts that are reasonable and necessary to defray, but shall not substantially exceed, the cost of administering sections 3 to 13 of this act.

Section 11. 1. The department may, at its discretion, randomly conduct bedding and materials product tests and inspections of the premises of any bedding manufacturer, renovator or sanitizer for the purpose of determining whether such person complies with the provisions of sections 3 to 13 of this act and the department's rules adopted pursuant to sections 3 to 13 of this act.

2. If the department finds probable cause to believe that an article of bedding violates any provisions of sections 3 to 13 of this act, it may, as appropriate under the circumstances, embargo, remove, recall, condemn, destroy or otherwise dispose of bedding found to violate any provisions of sections 3 to 13 of this act.

3. The department may deny, suspend or revoke an initial or renewal permit of any person that violates any provision of sections 3 to 13 of this act. Each day of a continuing violation constitutes a separate violation. Any person who violates any provision of sections 3 to 13 of this act is guilty of a class A misdemeanor. The court may order restitution in addition to any other penalty provided in sections 3 to 13 of this act.

4. The department may petition for a temporary restraining order to restrain a continuing violation of sections 3 to 13 of this act or a threat of a continuing violation of sections 3 to 13 of this act, provided such violation or threatened violation creates an immediate threat to the public's health and safety.

5. A manufacturer, renovator or seller that knowingly attaches to bedding, or sells bedding bearing, a label stating that the product is made from all new materials, and has actual knowledge or reason to believe or suspect that such bedding is made in whole, or in part, from secondhand materials is guilty of a class A misdemeanor. Each bedding product that is found to be falsely labeled in this respect constitutes a separate violation.

Section 12. 1. The department may adopt all rules necessary to implement sections 3 to 13 of this act, including rules regarding:

(1) Mandatory label dimensions, format, informational content, including the name, address and permit number of the manufacturer, renovator or sanitizer, working, letter size, material, placement and affixing specifications and other relevant requirements;

(2) The procedures and requirements for the application, issuance, renewal, denial, suspension and revocation of each class of permit, including, but not limited to, manufacturers, renovators, sanitizers and sellers;

(3) Adequate notice and opportunity for hearing for persons potentially subject to denial, suspension or revocation; and

(4) Any other substantive, interpretative or procedural rules necessary to implement sections 3 to 13 of this act.

2. In setting standards and procedures pursuant to sections 3 to 13 of this act, including those to protect the public's health and safety, the department may issue rules incorporating by reference uniform standards, norms or testing procedures that are issued, promulgated or accepted by recognized government, public or industry organizations.

Section 13. 1. Bedding may not be manufactured in whole, or in part, from any secondhand material unless such material has been sanitized, germicidally treated or cleaned by a method approved by the department.

2. All bedding containing material that is sanitized, germicidally treated or cleaned in accordance with subsection 1 of this section shall bear a clear and conspicuous label that states:

"THIS BEDDING CONTAINS PREVIOUSLY USED MATERIALS WHICH HAVE BEEN CLEANED AND SANITIZED IN A REASONABLE MANNER TO KILL GERMS AND INSECTS AND TO PREVENT INFECTION."

In addition, such label shall state:

- (1) The specific methods of sanitizing, germicidal treatment or cleaning applied;**
- (2) The date on which the article was sanitized, treated or cleaned;**
- (3) The name, address and permit number of the person applying the sanitizing, treatment or cleaning; and**
- (4) Specifically which materials or articles have been sanitized, treated or cleaned."; and**

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Flotron offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 316, 660 and 203, Page 1, Section A, Line 6 of Section, by inserting after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

- (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;**
- (2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;**
- (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in**

violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;[and

(c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;]

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, **and before January 1, 2000**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Clay moved that **HCS** for **HB 349**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Clay, **SS No. 2** for **SCS** for **HCS** for **HB 349**, as amended, was withdrawn.

SCS for **HCS** for **HB 349** was again taken up.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 5, Section 5, Line 25 of said section, by inserting after all of said line the following:

"6. Family development accounts established pursuant to sections 620.1487 to 620.1502 may also receive as a deposit any tax credit received pursuant to subdivisions (a) and (b) of subsection 4 of section 135.326, RSMo. On or after January 1, 2000, a tax credit which is established in this section of up to ten thousand dollars for nonrecurring expenses containing in section 135.327, RSMo, may either be deposited in the family development account, or assigned, transferred or sold. Any sale of tax credits claimed pursuant to this section to a for profit entity shall be at a discount rate of seventy-five percent or greater of the amount sold. The deposit, assignment, sale or transfer of the tax credit established by this section shall be for nonrecurring expenses contained in section 135.327, RSMo, in each year that the expenses are incurred, and shall vest with the recipient at fifty percent of the credit when the home placement occurs, and the remaining fifty percent shall be allowed when

the adoption is final. Any business entity providing funds to an employee to enable that employee to receive the credit contained in this section shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring expenses contained in section 135.327, RSMo for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring expenses authorized by this subsection in any one fiscal year shall not exceed two million dollars, and shall not count toward the amount in subsection 6 of this section. Any account holder which deposits any funds received as a result of claiming a tax credit pursuant to this section shall not be eligible to be matched by a private donation, and any amounts so deposited shall not count against the limits of the account balance as established by this act."; and

Further amend by renumbering the remaining subsections accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Section 1, Line 1, by inserting before all of said line the following:

"7. 1. The department of economic development shall establish six housing development revolving loan pilot programs as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of four hundred twenty thousand dollars.

2. Three pilot programs shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties and three pilot programs shall be used for the same purpose in urban areas.

3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

(1) The area in which the housing is intended to be constructed;

(2) A statement about the need for single family housing in such area;

(3) The time period required for constructing each home and making it available on the market;

(4) A list of the officers, with addresses and phone numbers, of the corporation;

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records

of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in that community, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

(1) The home has been the primary home of the purchaser for a period of five years after the closing date; and

(2) The property has not been used as rental property for such five-year period."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 349, Page 1, Section 1, Line 5, by inserting after all of said line the following:

"(2) "Accredited institution of education", any institution of education, including a university, college, secondary school, vocational and technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any school wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;"; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 1, Section 1, Line 7, by inserting after the numeral "352" the following: **"or 355"**; and

Further amend said bill, Page 3, Section 3, Lines 7-8, by striking all of said lines and inserting in lieu thereof the following:

"(1) Educational costs at an accredited institution of education for any family members or dependents;"; and

Further amend said bill, Page 5, Section 5, Line 27, by striking the word "four" and inserting in lieu thereof the word **"fifteen"**; and

Further amend said bill, Page 5, Section 5, Line 27, by inserting after all of said line the following:

"7. Federal funds received by the state for individual development accounts or other federal funds may be deposited in a family development account subject to requirements of federal law and may be segregated in the account, if required by federal law."

Senator Clay moved that the above amendment be adopted.

Senator Westfall requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Jacob, Kenney, Childers and Russell.

Senator Jacob raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement.

At the request of Senator Clay, **HCS** for **HB 349**, with **SCS**, **SA 3** and the point of order (pending), was placed on the Informal Calendar.

HB 542, with **SCS**, introduced by Representative Barry, entitled:

An Act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator House.

SCS for **HB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 542

An Act to repeal sections 135.333, 136.300, 143.111, 143.151, 143.781, 143.811, 144.100, 144.190 and 147.010, RSMo 1994, and sections 135.326, 135.327, 135.550 and 135.600, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof twenty-five new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **HB 542** be adopted.

Senator House offered **SS** for **SCS** for **HB 542**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 542

An Act to repeal section 135.333, RSMo 1994, and sections 135.326, 135.327, 135.550 and 135.600, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof seven new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **HB 542** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 10, Section 135.760, Line 12, by inserting after all of said line the following:

"135.812. 1. The department of economic development shall establish six housing development revolving loan pilot programs as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of four hundred twenty thousand dollars.

2. Three pilot programs shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties and three pilot programs shall be used for the same purpose in urban areas.

3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

- (1) The area in which the housing is intended to be constructed;**
- (2) A statement about the need for single family housing in such area;**
- (3) The time period required for constructing each home and making it available on the market;**
- (4) A list of the officers, with addresses and phone numbers, of the corporation;**

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture or in urban areas shall meet the codes in effect in that community, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the

home purchase if the following requirements are met:

- (1) The home has been the primary home of the purchaser for a period of five years after the closing date; and**
- (2) The property has not been used as rental property for such five-year period."; and**

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 17, Section 135.630, Line 12 of said page, by inserting immediately after said line the following:

"Section 1. 1. Sections 1 to 6 of this act shall be known and may be cited as the "Family Development Account Program".

2. For purposes of sections 1 to 6 of this act, the following terms mean:

- (1) "Account holder", a person who is the owner of a family development account;**
- (2) "Community-based organization", any religious or charitable association formed pursuant to chapter 352, RSMo, that is approved by the director of the department of economic development to implement the family development account program;**
- (3) "Department", the department of economic development;**
- (4) "Director", the director of the department of economic development;**
- (5) "Family development account", a financial instrument established pursuant to section 3 of this act;**
- (6) "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;**
- (7) "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;**
- (8) "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the director for participation in the program;**
- (9) "Program", the Missouri family development account program established in sections 1 to 6 of this act;**
- (10) "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder.**

Section 2. 1. There is hereby established within the department of economic development a program to be known as the "Family Development Account Program". The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for education, home ownership or small business capitalization.

2. The department shall solicit proposals from community-based organizations seeking to administer the

accounts on a not for profit basis. Community-based organization proposals shall include:

- (1) A requirement that the individual account holder or the family of an account holder match the contributions of a community-based organization member by contributing cash;**
- (2) A process for including account holders in decision-making regarding the investment of funds in the accounts;**
- (3) Specifications of the population or populations targeted for priority participation in the program;**
- (4) A requirement that the individual account holder or the family of an account holder attend economic literacy seminars;**
- (5) A process for including economic literacy seminars in the family development account program; and**
- (6) A process for regular evaluation and review of family development accounts to ensure program compliance by account holders.**

3. In reviewing the proposals of community-based organizations, the department shall consider the following factors:

- (1) The not for profit status of such organization;**
- (2) The fiscal accountability of the community-based organization;**
- (3) The ability of the community-based organization to provide or raise moneys for matching contributions;**
- (4) The ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and**
- (5) The significance and quality of proposed auxiliary services, including economic literacy seminars, and their relationship to the goals of the family development account program.**

4. No more than twenty percent of all funds in the reserve fund account may be used for administrative costs of the program in each of the first two years of the program, and no more than fifteen percent of such funds may be used for administrative costs for any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

5. The department shall promulgate rules and regulations to implement and administer the provisions of sections 1 to 6 of this act. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 6 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 3. 1. A family or individual whose household income is less than or equal to two hundred percent of the federal poverty level may open a family development account for the purpose of accumulating and withdrawing moneys for specified expenditures. The account holder may withdraw moneys from the account on the approval of the community-based organization, without penalty, for any of the following expenditures:

- (1) Educational costs for any family member at an accredited institution of higher education;**
- (2) Job training costs for any family member eighteen years of age or older, at an accredited or licensed training program;**
- (3) Purchase of a primary residence;**
- (4) Major repairs or improvements to a primary residence; or**

(5) Start-up capitalization of a small business for any family member eighteen years of age or older.

2. Financial institutions approved by the department shall be permitted to establish family development accounts pursuant to sections 1 to 6 of this act. The financial institution shall certify to the department, on forms prescribed by the department and accompanied by any documentation required by the department, that such accounts have been established pursuant to the provisions of sections 1 to 6 of this act and that deposits have been made on behalf of the account holder.

3. A financial institution establishing a family development account shall:

(1) Keep the account in the name of the account holder;

(2) Permit deposits to be made in the account by the following, subject to the indicated conditions:

(a) The account holder; or

(b) A community-based organization on behalf of the account holder. Such a deposit may include moneys to match the account holder's deposits, up to a three-to-one match rate;

(3) Require the account to earn at least the market rate of interest; and

(4) Permit the account holder to withdraw moneys from the account for any of the purposes listed in subsection 1 of this section.

4. The total of all deposits by the account holder into a family development account in a calendar year shall not exceed two thousand dollars. The total balance in a family development account shall not exceed fifty thousand dollars.

Section 4. 1. Account holders who withdraw moneys from a family development account not in accordance with subsection 1 of section 3 of this act shall forfeit all matching moneys in the account.

2. All moneys forfeited by an account holder pursuant to subsection 1 of this section shall be returned to the family development account reserve fund of the community-based organization.

3. In the event of an account holder's death, the account may be transferred to the ownership of a contingent beneficiary. An account holder shall name contingent beneficiaries at the time the account is established and may change such beneficiaries at any time. If the named beneficiary is deceased or otherwise cannot accept the transfer, the moneys shall be transferred to the family development account reserve fund of the community-based organization.

Section 5. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section 3 of this act from a family development account by an account holder are exempted from taxation pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, provided, however, that any money withdrawn for an unapproved use should be subject to tax as required by law.

2. Interest earned by a family development account is exempted from taxation pursuant to chapter 143, RSMo.

3. Any funds in a family development account, including accrued interest, shall be disregarded when determining eligibility to receive, or the amount of, any public assistance or benefits.

4. A program contributor shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to sections 1 to 6 of this act. Contributions up to fifty thousand dollars per program contributor are eligible for the tax credit which shall not exceed fifty percent of the contribution amount.

5. The department of economic development shall verify all tax credit claims by contributors. The administrator of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to a family development account reserve fund for the calendar year. The director shall determine the date by which such information shall be submitted to the department by the local administrator. The department shall submit verification of qualified tax credits pursuant to sections 1 to 6 of this act to the department of revenue.

6. The total tax credits authorized pursuant to sections 1 to 6 of this act shall not exceed four million dollars in any fiscal year.

Section 6. Subject to appropriations and to the provisions of chapter 34, RSMo, the department shall annually award up to one hundred thousand dollars for an independent evaluation of the program. Based on this program evaluation, the department shall provide a comprehensive report on the program to the speaker of the house and the president pro tem of the senate by March first of each year, beginning in 2000."; and

Further amend said bill and page, section 1, line 1 of said section, by striking "Section 1" and inserting in lieu thereof the following: "**Section 7**"; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Clay offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 542, Page 1, Section 1, Line 8, by inserting after all of said line the following:

"(2) "Accredited institution of education", any institution of education, including a university, college, secondary school, vocational and technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any school wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;"; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 1, Section 1, Line 10, by inserting after the numeral "352" the following: "**or 355**"; and

Further amend said bill, Page 3, Section 6, Lines 23-24, by striking all of said lines and inserting in lieu thereof the following:

"(1) Educational costs at an accredited institution of education for any family members or dependents;"; and

Further amend said bill, Page 8, Section 5, Line 2, by striking the word "four" and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 8, Section 5, Line 3, by inserting after all of said line the following:

"7. Federal funds received by the state for individual development accounts or other federal funds may be deposited in a family development account subject to requirements of federal law and may be segregated in the account, if required by federal law."

Senator Clay moved that the above amendment be adopted.

At the request of Senator House, **HB 542**, with **SCS, SS** for **SCS, SA 2** and **SA 1 to SA 2** (pending), was placed on the

Informal Calendar.

Senator Stoll moved that **HCS** for **HB 676**, with **SCS**, **SS** for **SCS** and **SA 11** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 11 was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mueller, Singleton, Stoll and Howard.

SA 11 was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Westfall
Yeckel--17			
NAYS--Senators			
Banks	Bland	Caskey	Clay
House	Howard	Jacob	Johnson
Mathewson	Maxwell	Quick	Stoll
Wiggins--13			
Absent--Senators			
DePasco	Goode	Scott	Staples--4
Absent with leave--Senators--None			

Senator Stoll offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 15, Section 115.123, Line 3 of said page, by striking the word "March" and inserting in lieu thereof the word "**April**"; and

Further amend said bill, Page 23, Section 115.157, Line 10 of said page, by inserting immediately after the numeral "115.158" the following: "**and shall, subject to appropriation, be compensated by the state through the election services fund of the county for transaction submitted pursuant to the provisions of this section and other election costs for the reimbursement of other out-of-pocket costs directly associated with the election, including reimbursement of salaries of employees of the election authority for hours worked to conduct an election and other expenses in an amount not to exceed five percent of the total costs of the election**"; and

Further amend said bill, Page 70, Section 115.755, Line 2 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend line 3 of said page, by striking the word "March"; and

Further amend said bill, Page 71, Section 115.761, Line 7 of said page, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend said line, by striking the word "March".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 1, In the Title, Line 12, by inserting immediately after the word "provisions" the following: "and an emergency clause for a certain section"; and

Further amend said bill, page 82, section 3, line 19 of said page, by inserting after all of said line the following:

"Section 4. Should any vacancy in a ward committee remain unfilled for a period of thirty days, the respective ward committee shall post the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person."; and

Further amend said bill, page 84, section 115.780, line 12 of said page, by inserting immediately after said line the following:

"Section B. Because of the immediate need to ensure local representation, section 4 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 4 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, page 82, Section 3, Line 19 of said page, by inserting after all of said line the following:

"Section 4. The members of the state committee of a party may remove a member of such committee upon a two-thirds majority vote of all state committee members voting thereon. Upon certification to the secretary of state by the state committee that a two-thirds majority of its members have elected to remove a member, such member shall forfeit his or her office and a vacancy shall exist on said state committee."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 58, Section 115.507, Line 19 of said page, by inserting after all of said line the following:

"115.611. 1. [Except as provided in subsection 4 of section 115.613,] any registered voter of the county may have such voter's name printed on the primary ballot of such voter's party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of such candidate's party's county committee, or submit to the county

election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

- (1) One hundred dollars if such candidate is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;
- (2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;
- (3) Except as provided in subdivisions (1) and (2) of this subsection, [no candidate for county committeeman or committeewoman shall be required to pay a filing fee] **the filing fee for candidates for county committeeman and county committeewoman in all other counties shall be ten dollars.**

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The

provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. 1. [Except as provided in subsection 4 of this section,] The qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

[4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.]; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Schneider offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 37, Section 115.285, Line 1 of said page, by inserting after all of said line the following:

"115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams [appointed] **designated** by the election authority **pursuant to section 115.298**, or by first class, registered, or certified mail at the discretion of the election authority. [Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087.] If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If any voter from the jurisdiction has become hospitalized in the county in which the jurisdiction is located or in any county or in the jurisdiction of an adjoining election authority within the same county after 5:00 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become confined due to illness or injury after 5:00 p.m. on the Wednesday before an election or if any voter from the jurisdiction is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the jurisdiction, the election authority may [appoint a team] **designate an absentee ballot team pursuant to section 115.298** to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties of the first class with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may [appoint a team] **designate an absentee ballot team pursuant to section 115.298** to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. [Each team appointed under the provisions of this subsection shall consist of two registered voters, one from each major political party.] Both members of any team [appointed] **designated** pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in red the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 42 USC, 1973 DD".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot."; and

Further amend said bill, Page 39, Section 115.289, Line 12 of said page, by inserting after all of said line the following:

"115.298. 1. A majority of the members of the county committee of the two major parties in the county shall designate one person each, who shall as a team assist and collect absentee ballots when requested by the county clerk or election authority.

2. It shall be a class three election offense for either member of the team described in subsection 1 of this section to assist or collect absentee ballots without the other member of the team."

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Yeckel offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Pages 68-69, Section 115.652, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 2, Section A, Line 8 by inserting immediately after said line the following:

"105.454. **1.** No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or one thousand five hundred dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be

amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

2. No elected or appointed member of any ward or county committee shall participate, serve, or perform any service during the time of his or her office with any public educational institution of higher education that provides college level courses of instruction in the same municipality as such member of a ward or county committee. This subsection shall not apply to the participation, service or performance of any service in a public school that provides courses for post-secondary credit."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, Page 15, Section 115.123, Line 4, by inserting after the word "year"; the following:

"For purposes of adopting legislative and congressional district boundaries, the legislature or any entity that is charged with recommending or adopting legislative or congressional district boundaries shall make its recommendations or determinations using population data from the United States Bureau of the Census identical to those from the actual enumeration conducted by the bureau for the apportionment of the Representatives of the United States House of Representatives in the United States decennial census and shall not use census bureau population counts derived from any other means, including the use of statistical sampling, to add or subtract population by inference."; and

Further renumber the remaining subsections accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SS for SCS for HCS for HB 676**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS for SCS for HCS for HB 676** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Wiggins	Yeckel--31	
NAYS--Senators			
Graves	Westfall--2		
Absent--Senator Staples--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel--32
NAYS--Senator Westfall--1			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 308 and 314**, as amended: Representatives Skaggs, O'Toole, Hagan-Harrell, Foster and Lograsso.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, entitled:

An Act to repeal sections 57.130, 88.013, 88.023, 211.031, 211.453, 211.477, 407.025, 476.415, 476.681, 476.682, 476.760, 477.087, 478.320, 487.090, 491.300, 494.415, 494.425, 494.445, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140, 550.240 and 600.040, RSMo 1994, and sections 57.280, 105.464, 351.025, 354.065, 452.310, 452.340, 452.400, 452.401, 452.552, 452.554, 455.067, 455.083, 455.205, 476.385, 476.515, 478.001, 478.268, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260, 590.140 and 632.492, RSMo Supp. 1998, relating to jurisdiction and procedure of courts, and to enact in lieu thereof sixty-four new sections relating to the same subject, with an expiration date for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, Page 97, Section 3, Line 13 of said page, by deleting the following: "**or any other interested party**"; and

Further amend said bill, Page 99, Section 5, Line 17 of said page, by deleting the following: "**or other interested**

party is domiciled"; and

Further amend said bill, Page 100, Section 6, Line 17 of said page, by deleting all of said line and inserting in lieu thereof the following: **"Any provision in a transfer agreement"; and**

Further amend said bill, Page 100, Section 6, Line 21, by inserting after the word **"agreement"** the following: **"shall be unenforceable"; and**

Further amend said bill, Page 100, Section 6, Line 22, by deleting all of said line.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 38, Section 452.340, Line 4, by inserting immediately after the word **"emancipated"** the following: **"and reciting the factual basis for such statement".**

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 and 222, Page 88, Section 536.053, Line 13 of said page, by inserting after all of said line the following:

"540.107. 1. All witness testimony before a grand jury shall be recorded stenographically or by an electronic recording device. An unintentional failure of any recording to reproduce all or any portion of such testimony shall not affect the validity of a prosecution. The recording or reporter's notes or any transcript prepared therefrom shall remain in the custody or control of the attorney for the state unless otherwise ordered by the court in a particular case. Before taking down any evidence, the reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting in the prosecution of an indictment brought by such grand jury.

2. All testimony recorded or transcribed pursuant to this section is a closed record as provided in chapter 610, RSMo, and shall be accessible to the parties only as provided by supreme court rule.

3. Any party requesting a transcript of such testimony shall be responsible for the costs of such transcript.

4. The provisions of this section shall apply only to counties of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 26, Section 452.310, Line 12, by inserting after the word **"process"** the following: **"or the filing of the entry of appearance, whichever event first occurs".**

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Pages 92-93, Section 600.040, Lines 17-24 of page 92, and lines 1-4 of page 93, by striking said lines and inserting in lieu thereof the following:

"600.040. 1. [The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services,

other than telephone service.] The state shall pay,"; and

Further amend said bill, page 93, section 600.101, lines 20-22 of said page, by striking all of said section; and

Further amend the title and enacting clause of said bill accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 and 222, Page 101, Section 7, Line 8 of said page, by inserting after all of said line the following:

"Section B. Section 21.750, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. [This section shall take effect on January 1, 1985.]

4. The lawful design, marketing, manufacture or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of the effective date of this section, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of persons to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision.

Section C. Because immediate action is necessary to promote justice, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 61, Section 476.682, Line 24 of said page, by striking the word "eight" on said line and inserting in lieu thereof the word "**two**"; and

Further amend said bill and section, page 62, line 1 of said page, by inserting after the word "judge" on said line the words "**or commissioner**"; and

Further amend said bill, page and section, line 7 of said page, by inserting after the word "foregoing," on said line the words "**any judge or commissioner who has retired prior to August 28, 1999, who serves subsequent to said date as a senior judge or commissioner may receive compensation pursuant to this section regardless of their length of service; and**".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 47, Section 493.072, Line 5, by inserting after all of said line the following:

"455.045. Any ex parte order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased [or], rented **or occupied** by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased or rented by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief [under] **pursuant to** this section by reason of the absence of a property interest in the dwelling unit; **or**

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair [his] **the child's** emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo,

whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo."; and

Further amend said title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 and 222, Page 47, Section 453.072, Line 5 of said page, by inserting after all of said line the following:

"455.035. **1.** Upon the filing of a verified petition [under] **pursuant to** sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall [be in effect until the time of the hearing.] **take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. Furthermore, the penalty provided by subsection 7 of section 455.085 shall not apply to any person who has not been served with an ex parte order of protection.

455.040. 1. Not later than fifteen days after the filing of a petition [under] **pursuant to** sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be [personally] served upon the respondent [by personal process server] as provided by law or by any sheriff or police officer at least three days prior to such hearing. Such **notice** shall be served at the earliest time, and service of such **notice** shall take priority over service in other actions, except those of a similar emergency nature. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at [his] **the respondent's** last known address. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted [under] **pursuant to** sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted.

The law enforcement agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted. A notice of expiration or of termination of any order of protection shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1, 92, 111, 129 & 222, Page 81, Section 494.455, Line 22, by inserting after said line the following:

"494.485. If in any case to be tried before a jury it appears to the court to be appropriate, the court may direct that [not more than four] **a number of** jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors, in the order in which they are called, shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be selected in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the principal jurors. Alternate jurors who do not replace principal jurors shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law [if one or] **for each** two alternate jurors [are] to be impaneled [and two peremptory challenges if three or four alternate jurors are to be impaneled]. The additional peremptory challenge may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against the alternates."; and

Further amend the title and enacting clause accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, entitled:

An Act to repeal sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, relating to programs in the department of social services, and to enact in lieu thereof twenty-two new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 and 131, delete lines beginning on line 16 with the word assistance through line 19 ending with the period after the word funds; delete all said language. Insert the following language on line 16 after the word working: Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, Section 210.170, Page 26, by inserting after said section:

"475.035. 1. The venue for the appointment of a guardian or conservator shall be:

- (1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled; or
- (2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person actually resides, or if he **or she** does not reside in any county, then in any county wherein there is any property of the minor or alleged incapacitated or disabled person; or
- (3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; **or**
- (4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031, RSMo.**

2. If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator.

3. If proceedings are commenced in more than one county, they shall be stayed except in the county where first commenced until final determination of venue in the county where first commenced. The proceeding is deemed commenced by the filing of a petition; and the proceeding first legally commenced to appoint a conservator of the estate extends to all of the property of the protectee in this state."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 14, Section 208.071, Line 17, by inserting after all of said line the following:

"210.001. **1.** The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

- (1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
- (2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;
- (3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis City child assessment center;**
- (2) The St. Louis County child assessment center;**
- (3) The Jackson County child assessment center;**
- (4) The Buchanan County child assessment center;**
- (5) The Greene County child assessment center;**
- (6) The Boone County child assessment center;**

(7) The Joplin child assessment center; and

(8) The St. Charles County child assessment center." and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 387, 206 & 131, Page 1, Section A, Line 16, by inserting after all of said line the following:

"167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, other than the district of domicile, the amounts as provided in subsection 2 for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department or is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for [three or more] children whose parents or guardians do not reside in the district in which the institution is located shall have [no] authority to enroll such children in a program in the district or special district in which the institution is located [unless the institution contracts for such services and pays the actual per pupil cost for such services or unless such children are assigned pursuant to subsection 1 of this section] **and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.**

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district [by the department of mental health, the department of social services or the court]. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, RSMo, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included as an "eligible pupil", as defined under section 163.011, RSMo, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency or a court of competent jurisdiction and from whom excess educational costs are billed to the department of elementary and secondary education.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any

teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder under section 565.020, RSMo;
 - (b) Second degree murder under section 565.021, RSMo;
 - (c) First degree assault under section 565.050, RSMo;
 - (d) Forcible rape under section 566.030, RSMo;
 - (e) Forcible sodomy under section 566.060, RSMo;
 - (f) Robbery in the first degree under section 569.020, RSMo;
 - (g) Distribution of drugs to a minor under section 195.212, RSMo;
 - (h) Arson in the first degree under section 569.040, RSMo;
 - (i) Kidnapping, when classified as a class A felony under section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 61**, as amended: Representatives Hoppe, Foley, Rizzo, Berkstresser and Marble.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**, entitled:

An Act relating to pharmaceutical income tax credits for lower income elderly persons.

With House Substitute Amendment No.1 for House Amendment No.1.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 14, 60 & 69, Page 1, Section 1, Line 12 of said page, by inserting after the word "**of**" the word "**two**"; and delete the word "one" after said word

Further amend said bill, Page 2, Section 1, Lines 7 and 8 of said page, by deleting the phrase "**one dollar for every dollar**" and inserting in lieu thereof the phrase "**three dollars for every two hundred dollars**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HB 191**, as amended, and has again taken up and passed **SS No. 2** for **SCS** for **HB 191**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 211**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SB 20**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SB 20**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 267**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 267**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60** and **69**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mathewson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 603, 722** and **783**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Clay moved that **SCS** for **SBs 387, 206** and **131**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 387, 206** and **131**, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 387, 206 AND 131

An Act to repeal sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, relating to programs in the department of social services, and to enact in lieu thereof twenty-two new sections relating to the same subject.

Was taken up.

Senator Clay moved that **HS** for **HCS** for **SCS** for **SBs 387, 206** and **131**, as amended, be adopted.

At the request of Senator Clay, the above motion was withdrawn.

Senator DePasco requested unanimous consent of the Senate to correct the Senate Journal for Wednesday, May 12, 1999, pages 1409 and 1410, by inserting the correct version of **SA 2**, which request was granted.

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, Page 51, Section 620.1039, Line 14, of said page, by inserting after all of said line the following:

"621.052. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, order, decision, made by an agency regarding the eligibility of a state-administered or subsidized tax credit, tax abatement or loan pursuant to subsection 1 of section 1 of this act. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director of the appropriate agency is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.

2. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission under this section shall be binding subject to appeal by either party."; and

Further amend said bill, page 61, Section 7, Line 10 of said page, by inserting after all of said line the following:

"Section 8. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of Chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole county circuit court."; and

Further amend the title and enacting clause accordingly.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, as amended, and has again taken up and passed **SS** for **SCS** for **HCS** for **HBs 316, 660 and 203**, as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 160 and 82**, as amended: Senators Maxwell, Scott, Goode, Childers and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended: Senators Goode, Maxwell, Russell, Schneider and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended: Senators Mathewson, Scott, Johnson, Flotron and Sims.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 907, regarding Zimmer Broadcast Group, which was adopted.

Senator Maxwell offered Senate Resolution No. 908, regarding Ron Powers, Hannibal, which was adopted.

Senator Maxwell offered Senate Resolution No. 909, regarding the Hawthorne Elementary School, Mexico, which was adopted.

Senator Maxwell offered Senate Resolution No. 910, regarding Michael Bokermann, which was adopted.

Senator Johnson offered Senate Resolution No. 911, regarding Missouri Western State College, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 912, regarding Dr. Janet Gorman Murphy, St. Joseph, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Wilson Fisher, Jefferson City; and Wilson was made an honorary page.

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Robert Schaaf, M.D., St. Joseph.

Senator Sims introduced to the Senate, the Honorable Marti Arnold, Mayor of Sycamore Hills, and her daughter Meagan; and one hundred fourth grade students from Wyland School, St. Louis.

Senator Flotron introduced to the Senate, Peggy and John David Bergmann, St. Louis; and John David was made an honorary page.

Senator Graves introduced to the Senate, Colby Gibson, King City; and Colby was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 14, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-THIRD DAY--FRIDAY, MAY 14, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

St. Paul wrote: "I have fought the good fight, I have finished the race. I have kept the Faith. (2 Timothy 4:7)

Lord God Almighty: We are thankful being able to see the finish line. We are thankful for Your help and guidance in being able to accomplish what we have done and ask Your blessing on our efforts and the work we have produced. We thank You for our leadership and our colleagues who have helped us reach this point as our endurance fades. And we are very grateful that You have been with us each day and we are able to say like Paul, we too "have fought the good fight and kept the faith." And Father I personally thank You for the opportunity to have served as Chaplain of this Senate with the spiritual responsibilities for these men and women and I pray that You have blessed my humble efforts among them. In Your Holy Name we give You Praise. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate, KOMU-TV, KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Wiggins, Bentley, Bland, Quick and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 913

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Reverend Thomas J. Savage, S.J. former president of Rockhurst College, Kansas City; and

WHEREAS, Father Savage, a native of Boston, Massachusetts, was President of Rockhurst College from 1988 to 1998; and

WHEREAS, Father Savage, had previously received a Bachelor's degree from Boston College, a Master's degree in City Regional Planning from the University of California - Berkeley, and a Ph.D. in Public Policy from Harvard University and served as Academic Vice President of Fairfield University in Fairfield, Connecticut; and

WHEREAS, Father Savage, as the eleventh President of Rockhurst College provided dynamic leadership for one of Missouri's most outstanding institutions of higher education and presided over a series of campus expansions substantially improving the ability of the college to meet its obligations to its students in meeting the significance of its mission in higher education; and

WHEREAS, Father Savage, at the same time became an outstanding community leader in Greater Kansas City, widely praised and respected by all, especially in the field of urban renewal and enhancement understanding between people of all faiths, creeds and races, and became widely known as co-host with Rabbi Michael Zedic of the Sunday morning show on KCMO Radio "Religion on Line"; and

WHEREAS, our colleague the current Senator from the 10th District, Senator Harry Wiggins, himself a graduate of Rockhurst College, and Past President of the college Alumni Association, was an old friend of Father Savage who accepted the Senator's invitation to visit the Senate on several occasions, and is anxious to honor the memory of his old friend in the annals of the history of Missouri by this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of a dynamic President of Rockhurst College and community leader Father Tom Savage, S.J., express their appreciation for his outstanding life and his contributions to higher education, to Kansas City and to Missouri, and extend to his family, Rockhurst College and his many friends, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his mother, Mrs. Viola B. Savage; his brothers, Rev. James Savage and Robert Savage; his sisters, Evelyn Savage Ternollo, Claire Savage Keon and Marilyn Savage Herrick; Rockhurst College; and Rabbi Zedic.

Senator Steelman offered Senate Resolution No. 914, regarding Corin Gilbert, Fulton, which was adopted.

Senator DePasco offered Senate Resolution No. 915, regarding Charles E. Dumsky, Sugar Creek, which was adopted.

Senator DePasco offered Senate Resolution No. 916, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Augustine Morales, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 917, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Lopez, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 918, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jose Bernal, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Reutter, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 920, regarding Joshua Neal "Josh" Watkins, Pevely, which was adopted.

Senator Graves offered Senate Resolution No. 921, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Steve Kocipak, Excelsior Springs, which was adopted.

Senator Graves offered Senate Resolution No. 922, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lavelle Rickabaugh, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 923, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Estil Hunt, Hale, which was adopted.

Senator Graves offered Senate Resolution No. 924, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rex Jameson, King City, which was adopted.

Senator Graves offered Senate Resolution No. 925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James E. Fulks, Trenton, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 267**, as amended: Senators Scott, Wiggins, Mathewson, Klarich and Yeckel.

REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HB 180** to the Committee on State Budget Control.

Senator Johnson assumed the Chair.

PRIVILEGED MOTIONS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 61**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 61

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 61;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Roseann Bentley
/s/ Morris Westfall
/s/ Sidney Johnson
/s/ Stephen Stoll
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Thomas Hoppe
/s/ Henry Rizzo
/s/ James M. Foley
/s/ Gary Marble
/s/ Judy Berkstresser

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Howard--1		
	Absent--Senators		
Bland	Jacob	Schneider--3	
	Absent with leave--Senators--None		

On motion of Senator Bentley, **CCS** for **HS** for **HCS** for **SCS** for **SB 61**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 61

An Act to repeal sections 226.510, 226.520, 226.525 and 226.540, RSMo 1994, and section 226.550, RSMo Supp. 1998, relating to highway beautification, and to enact in lieu thereof seven new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Banks	Bland	Ehlmann	Schneider--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended: Representatives Wiggins, Ransdall, Kreider, Griesheimer and Miller.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 267**, as amended: Representatives Hoppe, Green, Overschmidt, Griesheimer and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SBs 160 and 82**, as amended: Representatives Hoppe, Scheve, Hollingsworth, Lograsso and Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended: Representatives Treadway, O'Connor, O'Toole, Greisheimer and Akin.

PRIVILEGED MOTIONS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 160 and 82**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 160 and 82

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, with House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 10; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendments Nos. 1, 2, 3, 4, 6, 7 and 10, to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82;
2. That the Senate recede from its position on House Amendment No. 8 to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82;
3. That the attached Conference Committee Amendment No. 1, be adopted; and

4. That House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 & 82, with House Amendment No. 8 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Joe Maxwell

/s/ Wayne Goode

/s/ John E. Scott

/s/ Doyle Childers

/s/ Morris Westfall

FOR THE HOUSE:

/s/ Thomas Hoppe

/s/ Katherine Hollingsworth

/s/ May Scheve

/s/ Don Lograsso

Carson Ross

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 and 82, Page 107, Section 72.403, Line 21, by inserting immediately after the word "act" the following: ", **except an annexation proposal by a village with a population under three thousand five hundred where the initial public hearing will occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law to the contrary**".

Senator Maxwell moved that the above conference committee report be adopted.

At the request of Senator Maxwell, the above motion was withdrawn.

Senator Schneider moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 308 and 314**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 308 and 314

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314, with House Amendments Nos. 1, 2, 4 & 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 308 & 314; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 308 & 314 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John E. Scott
/s/ Jim Mathewson
/s/ Danny Staples
/s/ Walt Mueller
/s/ Betty Sims

FOR THE HOUSE:

/s/ Jim O'Toole
/s/ Bill Skaggs
/s/ Mary Hagan-Harrell
/s/ Don Lograsso
Bill Foster

Senator Scott moved that the above conference committee report be adopted.

Senator Steelman offered a substitute motion that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SBs 308 and 314**, as amended, and request the House grant further conference and that the Senate conferees be instructed to remove the legislative retirement benefits in Section 104.1084 and requested a roll call vote be taken. She was joined in her request by Senators Kenney, Russell, Schneider and Singleton.

The substitute motion offered by Senator Steelman failed of adoption by the following vote:

YEAS--Senators

Ehlmann	Flotron	Howard	Kenney
Kinder	Klarich	Rohrbach	Russell
Schneider	Singleton	Stelman	Westfall
Yeckel--13			

NAYS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
Graves	House	Jacob	Johnson
Mathewson	Maxwell	Mueller	Quick
Scott	Sims	Staples	Stoll
Wiggins--21			

Absent--Senators--None

Absent with leave--Senators--None

Senator Mathewson assumed the Chair.

Senator Scott moved that the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SBs 308 and 314**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	House	Jacob	Johnson
Mathewson	Quick	Scott	Sims
Staples	Stoll	Westfall	Wiggins
Yeckel--21			

NAYS--Senators

Ehlmann	Graves	Howard	Kenney
Kinder	Klarich	Maxwell	Rohrbach
Russell	Schneider	Singleton	Stelman--12

Absent--Senator Mueller--1

Absent with leave--Senators--None

On motion of Senator Scott, **CCS** for **HS** for **HCS** for **SCS** for **SBs 308 and 314**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 308 and 314

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160, 50.1170, 70.697, 86.254, 104.040, 104.344, 104.380 and 104.610, RSMo 1994, sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140, 50.1180, 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810, 87.371, 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.517, 104.612, 104.620, 104.800, 169.010, 169.060, 169.070, 169.075, 169.560, 169.655, 287.815 and 476.520, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof eighty-nine new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	House	Howard	Jacob
Johnson	Mathewson	Quick	Schneider
Scott	Sims	Staples	Stoll
Westfall	Wiggins	Yeckel--23	

NAYS--Senators

Ehlmann	Graves	Kenney	Kinder
Klarich	Maxwell	Rohrbach	Russell
Singleton	Steelman--10		

Absent--Senator Mueller--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1

Absent--Senators

Banks Mueller--2

Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Clay moved that **SCS** for **SBs 387, 206 and 131**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, was again taken up.

Senator Clay moved that **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, be adopted.

Senator Rohrbach offered a substitute motion that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, and request the House recede from its position, and failing to do so, grant the Senate a conference thereon, which motion failed on a standing division vote.

Senator Clay moved that **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, be adopted.

At the request of Senator Clay, the above motion was withdrawn.

Senator Clay moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 261** and has again taken up and passed **HB 261**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 343**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 343**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended: Representatives Parker, Hosmer, Britt, Hanaway, Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SB 19**, entitled:

An Act to repeal sections 137.130, 302.177, 302.735, 303.041, 303.042, 303.043, 303.190, 304.170, 304.235, 306.400,

306.405, 306.410, 306.415, 306.420, 307.353, 307.355, 307.360, 307.365, 307.390, 374.070, 643.315, 643.335, 643.350 and 643.355, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.142, 301.190, 302.060, 302.130, 302.171, 302.173, 302.181, 302.302, 302.309, 302.321, 302.341, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375, 307.400, 374.205 and 643.310, RSMo Supp. 1998, relating to drivers and motor vehicles, and to enact in lieu thereof sixty-eight new sections relating to the same subject with penalty provisions, effective dates and expiration dates for certain sections, and an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9, 10, 11, 12, 13, 14, House Amendment No. 15, Part 1, House Amendments Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 114, Section 303.175, Lines 20 to 25, by striking all of said lines and inserting in lieu thereof the following:

"303.175. Every private passenger motor vehicle liability policy issued to meet the requirements of this chapter shall have a minimum term of three months. Each policy payment collected by the insurer shall be sufficient to pay for at least one month's coverage under the policy, except that this restriction shall not apply to payments on policies made by way of payroll deductions. This section shall not be construed to interfere with the cancellation and renewal provisions of sections 379.110 to 379.120, RSMo, nor shall it apply to any fleet, rental, group or commercial motor vehicle policy."; and

Further amend said bill, page 211, section 3.6, line 12, by adding after the word "a" on said line, the words "**negligent or**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 61, Section 304.159, Line 19 of said page, by deleting the number "**1.**"; and

Further amend said bill, Page 62, Section 304.159, Lines 6 to 13, by deleting all of said lines.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 18, Section 301.190, Line 13, by inserting after all of said lines the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motor-cycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
- (4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of **subdivisions (3) and (4) of subsection 1 of this section [shall be deemed] is** a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section [shall be deemed] **is** an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege has been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege has been suspended under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision [(7)] **(8)** of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(9)] **(10)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four

points in thirty-six months. The revocation period of any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege has been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision [(7), (8) or (9)] **(8), (9) or (10)** of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall

satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, Page 97, Section 302.302, Lines 14 to 16, by deleting all of said lines and inserting in lieu thereof the following:

"(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction.....2 points

(b) For the second conviction.....4 points

(c) For the third conviction.....6 points

(6) Operating [without a license after suspension or revocation and] with a suspended or revoked license prior to restoration of operating privileges [which have been suspended or revoked].....12 points"; and

Further amend said bill, Page 97, Section 302.302, Line 17, by deleting the following: "(6)" and inserting in lieu thereof the following: "[~~(6)~~] **(7)**"; and

Further amend said bill, Page 97, Section 302.302, Line 18, by deleting the following: "(7)" and inserting in lieu thereof the following: "[~~(7)~~] **(8)**"; and

Further amend said bill, Page 97, Section 302.302, Line 21, by deleting the following: "(8)" and inserting in lieu thereof the following: "[~~(8)~~] **(9)**"; and

Further amend said bill, Page 98, Section 302.302, Line 3, by deleting the following: "(9)" and inserting in lieu thereof the following: "[~~(9)~~] **(10)**"; and

Further amend said bill, Page 98, Section 302.302, Line 8, by deleting the following: "(10)" and inserting in lieu thereof the following: "[~~(10)~~] **(11)**"; and

Further amend said bill, Page 98, Section 302.302, Line 10, by deleting the following: "(11)" and inserting in lieu thereof the following: "[~~(11)~~] **(12)**"; and

Further amend said bill, Page 98, Section 302.302, Line 12, by deleting the following: "**(12)**" and inserting in lieu thereof the following: "**(13)**"; and

Further amend said bill, Page 98, Section 302.302, Line 15, by inserting after "2." the following: "**The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.**

3."; and

Further amend said bill, Page 98, Section 302.302, Line 19, by deleting the following: "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 98, Section 302.302, Line 20, by deleting the following: "(7)" and inserting in lieu thereof the following: "[(7)] **(8)**"; and

Further amend said bill, Page 99, Section 302.302, Line 1, by deleting the following: "(7), (8) and (9)" and inserting in lieu thereof the following: "[(7), (8) and (9)] **(8), (9) and (10)**"; and

Further amend said bill, Page 99, Section 302.302, Line 3, by deleting the following: "(7), (8) and (9)" and inserting in lieu thereof the following: "[(7), (8) and (9)] **(8), (9) and (10)**"; and

Further amend said bill, Page 99, Section 302.302, Line 5, by deleting the following: "4." and inserting in lieu thereof the following: "[4.] **5.**"; and

Further amend said bill, Page 99, Section 302.302, Line 18, by deleting the following: "2" and inserting in lieu thereof the following: "[2] **3**"; and

Further amend said bill, Page 141, Section 302.171, Line 13, by inserting after the word "to" the following: "**driving without a license,**"; and

Further amend said bill, Page 208, Section 3, Line 15, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 217, Section 302.321, Line 9, by deleting the word "he" and inserting in lieu thereof the following: "[he] **such person**"; and

Further amend said bill, Page 217, Section 302.321, Line 9, by deleting the word "his" and inserting in lieu thereof the following: "[his] **such person's**"; and

Further amend said bill, Page 217, Section 302.321, Line 11, by deleting the word "under" and inserting in lieu thereof the following: "[under] **pursuant to**"; and

Further amend said bill, Page 217, Section 302.321, Line 12, by deleting the word "his" and inserting in lieu thereof the following: "[his] **such person's**"; and

Further amend said bill, Page 217, Section 302.321, Lines 14 and 15, by deleting all of said lines and inserting in lieu thereof the following:

"2. [Driving while revoked is] **Any person convicted of driving while revoked is guilty of** a class A misdemeanor. **Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked is guilty of a class D felony.** No court shall suspend the imposition of"; and

Further amend said bill, Page 217, Section 302.321, Line 18, by deleting the word "he" and inserting in lieu thereof the following: "[he] **such person**"; and

Further amend said bill, Page 217, Section 302.321, Line 22, by deleting the following: "under the supervision of" and inserting in lieu thereof the following: "[under the supervision of] **which is supervised by**"; and

Further amend said bill, Page 217, Section 302.321, Line 23, by deleting the word "**Driving**"; and

Further amend said bill, Page 217, Section 302.321, Line 24, by deleting all of said line; and

Further amend said bill, Page 218, Section 302.321, Lines 1 and 2, by deleting all of said lines; and

Further amend said bill, by amending the title and enacting clauses accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 2, Section A, Line 5 of said page, by inserting after all of said line the following:

"82.485. 1. The treasurer of any city not within a county is hereby made and constituted supervisor of parking meters.

2. It shall be the duty of the supervisor of parking meters to install parking meters, collect all parking meter fees, supervise the expenditures for repairs and maintenance, establish and supervise a parking enforcement division and a parking meter division to enforce any statute or ordinances now or hereafter established pertaining to the parking of motor vehicles, including automated zone parking and all other parking functions, and to make all disbursements on any parking contracts, including employment, consulting, legal services, capital improvement and purchase of equipment and real property which may hereafter be made by such cities, subject to audit in the manner provided by state statute.

3. The supervisor of parking meters shall establish and maintain a parking meter fund and any other funds therein which the supervisor of parking meters determines to be necessary, including debt service funds and capital improvement funds for purposes including, but not restricted to, the construction of off-street parking facilities **and supervising and directing the financing of such projects**. The supervisor of parking meters of such city may issue revenue bonds and pledge parking division and other revenues and assets, including real property and future income, for the purpose of capital improvements and debt service. The parking meter fund shall be the sole depository for all parking revenue derived from parking fees, fines, penalties, **administrative costs and booting** or any other revenues derived from the efforts of the employees of the supervisor of parking, including the parking meter division or parking violation enforcement division.

4. The supervisor of the parking meters shall each year submit for approval to the board of aldermen, having first been reviewed by the parking commission, an operating budget projecting revenues and expenses for the fiscal year beginning July 1, 1990, and for each fiscal year thereafter. The parking commission, which shall consist of the supervisor of parking meters as chairperson, the chairperson of the aldermanic traffic committee, the director of streets, the comptroller and the director of the parking meter operations, shall approve parking policy as necessary to control public parking, shall set rates and fees to ensure the successful operation of the parking division, and require a detailed accounting of parking division revenues from any agent or agency, public or private, involved in the collection of parking revenues. The supervisor of parking meters shall draw upon the parking meter fund annually a portion of such fund according to the parking meter division's operating budget to pay any debt obligations, salaries, contracts, expenditures for repairs and maintenance, and make any capital improvements, and a portion of such fund shall at the end of each fiscal year then be transferred to the general fund of the city. The transfer to the general fund shall be no more than forty percent of the parking meter fund's net change in the fund's balance after all payments for capital improvements and debt service have been made.

82.487. 1. The parking commission of any city not within a county shall be the city's authority for overseeing public parking, including planning and coordinating policies, programs and operations for any parking facility or spaces owned in whole or part, leased or managed by the parking division. On behalf of the city, the parking commission shall approve:

(1) Guidelines governing the administrative adjudication, disposition and collection of any parking violations or complaints issued by the city;

(2) Budget modifications for the parking fund, also known as the "parking meter fund"; and

(3) The acquisition, development, regulation and operation of such parking facilities or spaces owned in whole or in part, leased or managed by the parking division.

2. The treasurer of any city not within a county shall be the parking supervisor, also known as the "supervisor of parking meters", for any parking facility or space owned in whole or part, leased or managed by the city parking

division, and by virtue of his office, shall be subject to the oversight and authorized funding in whole or in part, by the parking commission:

- (1) Establish joint public-private parking ventures;
 - (2) Supervise the acquisition, development and operation of parking **division properties or** facilities owned **by title** or funded in whole or in part, leased or managed by the parking division;
 - (3) Make and pay contracts and other obligations;
 - (4) Supervise any other on-street and off-street parking programs and assets;
 - (5) Shall provide the comptroller with monthly reports of all parking revenues collected by the city; and
 - (6) Make biannual installment payments of the annual general fund transfer subject to the parking commission's approval and provide the comptroller and treasurer with monthly reports of all parking revenues collected by the city.
3. Nothing in this section shall be construed as limiting or altering the powers and duties of the license collector of the city prescribed in section 82.340, and the exclusive authority to issue licenses and receipts for license taxes shall remain with and be exercised by the license collector.
4. Nothing in this section shall be construed as limiting or altering the powers and duties of the city's collector of revenue as provided in section 52.220, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

"Section 10. 1. Any motor vehicle owner may receive special license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a "professional sports team" shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer.

2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team.

3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. Such license plates shall be made with fully reflective material

with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. A fee for the issuance of personalized license plates issued pursuant to section 301.144, RSMo, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law.

5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allows the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution.

6. A professional sports team receiving a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows:

(1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority;

(2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team.

7. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 173, Section 307.365, Line 4 of said page, by inserting after the word "patrol." the following: "**Brakes may be inspected for safety by means of visual inspection or computerized brake testing.**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 218, Section I, Line 9 of said page, by inserting after all of said line the following:

"Section J. One new section is enacted, to be known as section 7, to read as follows:

Section 7. Notwithstanding any other provision of law to the contrary, from April 1, 2000, to April 1, 2001, any person required to obtain a motor vehicle emissions inspection shall have the option to obtain an emissions inspection pursuant to section 307.366, RSMo, which shall be valid for one year, or to obtain an emissions

inspection pursuant to section 643.315, RSMo, which shall be valid for two years. The director of the department of revenue shall have the authority to promulgate any rules or regulations necessitated by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.

Section K. Section J of this act shall become effective on April 1, 2000."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 7 of said page, by inserting after all of said line the following:

"Section 10. 1. Beginning September 1, 1999, for the purpose of providing additional support for the premise that .08 BAC laws help reduce alcohol-related fatalities, an advisory working group is hereby established. The working group is to review the fatal crash experience of all states that have lowered their BAC limits to 0.08 and to determine the impact of this legislation on alcohol-related fatalities. The advisory working group shall consist of the following:

- (1) The director of the department of revenue or the director's designee;**
- (2) The director of the department of public safety or the director's designee;**
- (3) The director of the department of health or the director's designee;**
- (4) The superintendent of the state highway patrol or the superintendent's designee;**
- (5) The director of the Missouri safety council or the director's designee;**
- (6) The director of the Mothers Against Drunk Drivers or the director's designee;**
- (7) Two members of the Missouri senate appointed by the president pro tem of the senate with no more than one from any political party; and**
- (8) Two members of the Missouri house of representatives appointed by the speaker of the house with no more than one member from any political party.**

2. The advisory working group shall submit a report of its findings to each member of the general assembly no later than March 1, 2000."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

"700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010 to 700.500, the following terms mean:

- (1) "Authorized representative", any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;**
- (2) "Code", the standards relating to manufactured homes, [recreational vehicles,] or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated**

by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(3) "Commission", the public service commission;

(4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes, [recreational vehicles,] or modular units in any consecutive twelve-month period;

(5) "Manufactured home", a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner;

(6) "Manufacturer", any person who manufactures manufactured homes, [recreational vehicles,] or modular units, including persons who engage in importing manufactured homes, [recreational vehicles,] or modular units for resale;

(7) "Modular unit", a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes;

(8) "New", being sold or offered for sale to the first purchaser for purposes other than resale;

(9) ["Park trailer", a modular type unit built on a single chassis mounted on wheels, designed primarily as temporary living quarters for seasonal or destination camping, and having a gross trailer area not exceeding four hundred square feet and not less than two hundred forty square feet in the setup mode;

(10)] "Person", an individual, partnership, corporation or other legal entity;

[(11)] **(10)** "Premises", a lot, plot, or parcel of land including the buildings, structures, and manufactured homes thereon;

(11) "Recreational park trailer", a recreational park trailer as defined in the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers. A recreational park trailer is not a recreational vehicle;

(12) "Recreational vehicle", [a vehicular-type unit primarily designed to provide temporary living quarters for recreational, camping or travel, use that either has its own motive power, or is mounted on or towed by another vehicle] **a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;**

(13) "Seal", a device, label or insignia issued by the public service commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home, [recreational vehicle,] or modular unit to evidence compliance with the code;

(14) "Setup", the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

700.015. 1. No person shall rent, lease, sell or offer for sale any manufactured home manufactured after January 1, 1974, [or any new recreational vehicle within this state,] unless such manufactured home [or new recreational vehicle] complies with the code and bears the proper seal.

2. No person shall manufacture in this state any manufactured home, [recreational vehicle,] or modular unit for rent, lease or sale within the state which does not bear a seal evidencing compliance with the code.

3. Unless otherwise required by federal law or regulations, nothing in sections 700.010 to 700.115 shall apply to a manufactured home, [recreational vehicle,] or modular unit being built expressly for export and sold for use solely outside this state.

4. No person shall offer for rent, lease or sale a modular unit manufactured after January 1, 1974, unless such modular unit complies with the code and bears a seal issued by the commission evidencing compliance with the code.

5. No manufacturer shall sell or offer for sale within this state:

(1) Any new recreational vehicle that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles; or

(2) Any new recreational park trailer that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers.

700.021. Seals may be issued by the commission when applied for with an affidavit certifying that the person applying will not attach a seal to any manufactured home, [recreational vehicle,] or modular unit that does not meet or exceed the code. Any registered dealer who has acquired a preowned manufactured home or modular unit without a seal may apply for a seal with an affidavit certifying that the preowned manufactured home or modular unit was brought up to or otherwise meets the requirements of the code. No person may manufacture in this state any manufactured home or modular unit unless it bears a seal and certification certifying that the manufactured home or modular unit meets or exceeds the code. The certificate as to each manufactured home or modular unit shall be displayed in a manner to be prescribed by the commission.

700.025. No person shall alter or cause to be altered any manufactured home, [recreational vehicle,] or modular unit to which a seal has been affixed, if such alteration or conversion causes the manufactured home, [recreational vehicle,] or modular unit to be in violation of the code.

700.030. Upon showing by a registered manufacturer or dealer that another state provides for the sealing of manufactured homes, [recreational vehicles,] or modular units in compliance with standards which are at least equal to those provided in the code and upon determination by the commission that such standards are being adequately enforced, the commission shall provide that a seal affixed under the authority of such state shall have the same effect as a seal affixed under authority of this state. The commission may make any such approval contingent upon such other state granting reciprocal effect to seals affixed under authority of this state and shall maintain a list of such states which shall be available on request.

700.035. **1.** If a manufactured home, [recreational vehicle] or modular unit carries a seal as provided in sections 700.010 to 700.115, no agency of this state, nor any municipality or other local governmental body shall require such manufactured home, [recreational vehicle,] or modular unit to comply with any other building, plumbing, heating or electrical code other than the code established by sections 700.010 to 700.115.

2. No agency of this state, nor any municipality or other local governmental body shall:

(1) Require a recreational vehicle or recreational park trailer to comply with any building, plumbing, heating or electrical code other than those established by the respective American National Standard Institute (ANSI) A119.2 standard or A119.5 standard; or

(2) Institute any recreational vehicle or recreational park trailer inspection program to determine such vehicles' compliance with the applicable ANSI A119.2 or A119.5 standard.

700.040. **1.** The commission shall, through its own inspection service or through a public or private inspection service acting as its authorized representative, perform sufficient inspections of manufacturing and dealer premises and

manufactured homes, [recreational vehicles,] and modular units to ensure that the provisions of the code are being observed. The commission shall approve any designation of a public or private inspection service as an authorized representative. The commission shall establish a comprehensive inspection system, including a determination of the extent to which its own inspectors or authorized representatives are used. The inspections may include examination of all books, records, performance and technical data of a manufacturer related to the subject matter of sections 700.010 to 700.115.

2. The commission shall establish reasonable fees for seals or inspection, or both, which are sufficient to cover all costs incurred in the administration of sections 700.010 to 700.115. Fees for inspections made by private inspection services may be paid directly to the inspection service. The commission, upon issuing seals, registration certificates, and plan approvals, and conducting inspections provided for in sections 700.010 to 700.115, shall notify the director of revenue, who shall receive the fees and immediately deposit the same in the state treasury to the credit of a fund to be known as the "Manufactured Housing Fund". All salaries and expenses for the implementation of sections 700.010 to 700.115 shall be appropriated and paid from such fund.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding year.

4. The commission may appoint such employees within its department as it may deem necessary for the administration of the provisions of sections 700.010 to 700.115.

5. The commission may issue and promulgate such rules and regulations as necessary to make effective the code and the provisions of sections 700.010 to 700.115. [No rule or portion of a rule promulgated under the authority of sections 700.010 to 700.115 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 700.010 to 700.115 shall become effective only if they have been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

6. The commission may remove seals from any manufactured home, [recreational vehicle] or modular unit made by any manufacturer in violation of the provisions of section 700.045.

7. Notwithstanding any other provisions of sections 700.010 to 700.115, the commission shall have the authority to enter into any contract or agreement necessary to comply with the statutes and regulations enforced by and under the authority of the United States Department of Housing and Urban Development relating to manufactured homes, [recreational vehicles] and modular housing.

8. The commission may require manufacturers and dealers to file reports with the Secretary of the United States Department of Housing and Urban Development as may be required under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).

700.045. It shall be a misdemeanor:

(1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any manufactured home, [recreational vehicle] or modular unit after January 1, 1977, unless there is in effect a registration with the commission;

(2) To rent, lease, sell or offer to sell any manufactured home or modular unit manufactured after January 1, 1974, [or any new recreational vehicle] which does not bear a seal as required by sections 700.010 to 700.115;

(3) To affix a seal or cause a seal to be affixed to any manufactured home, [recreational vehicle,] or modular unit which does not comply with the code;

(4) To alter a manufactured home, [recreational vehicle,] or modular unit in a manner prohibited by the provisions of sections 700.010 to 700.115;

(5) To fail to correct a code violation in a manufactured home, [recreational vehicle,] or modular unit owned, manufactured or sold within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission, if the same is manufactured after January 1, 1974; or

(6) To interfere with, obstruct, or hinder any authorized representative of the commission in the performance of his duties.

700.050. The issuance of seals to any manufacturer in violation of the provisions of sections 700.010 to 700.115 may be suspended by the commission and no further seals shall be issued to any such manufacturer except upon proof satisfactory to the commission that the conditions which brought about the violation have been remedied. Seals remain the property of the state and may be removed by the commission from any manufactured home, [recreational vehicle,] or modular unit which is in violation of the code.

700.060. As used in sections 700.060 to 700.115, the term "manufactured home" shall also include units defined in section 700.010 if such units are in two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing and includes two manufactured home units joined into a single residential or business unit which are kept on separate chassis for repeated towing. For the purposes of sections 700.060 to 700.115, a "manufactured home" shall not include a recreational vehicle **or a recreational park trailer**.

700.090. 1. Every manufacturer or dealer of manufactured homes who sells or offers for sale, on consignment or otherwise, a manufactured home, [recreational vehicle,] or modular unit from or in the state of Missouri shall register with the commission.

2. The commission shall issue a certificate of registration to a manufacturer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the manufacturer;

(b) The address of the manufacturer and addresses of each factory owned or operated by the manufacturer, if different from the address of the manufacturer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, and proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for overall operation of the manufacturer;

(2) Files with the commission an initial registration fee of two hundred fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri.

3. The commission shall issue a certificate of registration to a dealer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the dealer;

- (b) The business address of the dealer and addresses of each separate facility owned and operated by the dealer from which manufactured homes, [recreational vehicles,] or modular units are offered for sale if different from the business address of the dealer;
 - (c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, proof of the filing of all franchise and sales tax forms required by Missouri law;
 - (d) If not a corporation, the name and address of the managing person or persons responsible for the overall operations of the manufacturer;
- (2) Files with the commission an initial registration fee of fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri;
- (3) Files with the commission proof of compliance with the provisions of section 301.250, RSMo, and section 301.280, RSMo.
4. The registration of any manufacturer or dealer shall be effective for a period of one year and shall be renewed by the commission upon receipt by it from the registered dealer of a renewal fee of two hundred fifty dollars for manufacturers and fifty dollars for dealers and a form provided by the commission upon which shall be placed any changes from the information requested on the initial registration form.
5. The commission may stagger the renewal of certificates of registration to provide for more equal distribution over the twelve months **of** the number of registration renewals.
- 700.100. 1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of section 700.090 or this section. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.
2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for revocation or suspension of his registration, or the placing of the registered manufacturer or dealer on probation.
3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:
- (1) If required, failure to comply with the provisions of section 301.250, RSMo, or section 301.280, RSMo;
 - (2) Failing to be in compliance with the provisions of section 700.090;
 - (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;
 - (4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;
 - (5) Failing to comply with the provisions of sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);
 - (6) As a dealer, failing to arrange for the proper initial setup of any new or used manufactured home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his authorized agent and an amount equal to the actual cost of the setup is deducted from the total cost of the manufactured home or modular unit;

(7) Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his being sold any manufactured home, [recreational vehicle,] or modular unit;

(8) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his being sold any manufactured home, [recreational vehicle,] or modular unit; provided, however, the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;

(9) Engaging in conduct in violation of section 700.045;

(10) Failing to comply with the provisions of section 301.210, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 97, Section 302.302, Line 11 of said page, by inserting after the word "driving" the following: **"In violation of subsection 2 of section 304.012, RSMo.....6 points"**; and

Further amend said bill, Page 115, Section 303.179, Line 7 of said page, by inserting after all of said line the following:

"304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved **or there are aggravating circumstances** then it shall be a class A misdemeanor. **For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers death or serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.**

577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.]; **or**

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or

municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person.**

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Section 304.157, Page 52, Line 11, by adding after the period on said line, the following: **"If the abandoned property impairs or impedes normal commerce, it may be removed immediately."**

HOUSE AMENDMENT NO. 12

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

"Section 10. 1. Any person may receive license plates as prescribed in this section, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, RSMo, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057 or 301.058, RSMo, after an annual payment of an emblem-use authorization fee to Ducks Unlimited. Ducks Unlimited hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Ducks

Unlimited derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Ducks Unlimited. Any member of Ducks Unlimited may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five-dollar emblem-use contribution to Ducks Unlimited, Ducks Unlimited shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Ducks Unlimited. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

3. A vehicle owner, who was previously issued a plate with the Ducks Unlimited emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Ducks Unlimited emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 179, Section 307.366, Line 8 of said page, by inserting after the word "**transferred**" the words "**by a licensed new motor vehicle franchise dealer, as defined in section 301.550, RSMo,**"; and

Further amend said bill, Page 199, Section 643.315, Line 5, by deleting the word "and" and inserting in lieu thereof the word "[and]"; and

Further amend said bill, Page 199, Section 643.315, Line 12, by inserting after the word "user" the following:

"; and

(7) Any motor vehicle sold or transferred, by a licensed new motor vehicle franchise dealer, as defined in section 301.550, RSMo, that at the time of such sale or transfer has an unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved; provided that, for any motor vehicle exempted pursuant to this subdivision, the purchaser may return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the motor vehicle inspected and approved without the option for a waiver of the emissions standards and return the vehicle to the purchaser with a valid emissions certificate and sticker within five workings days, and provided that, the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the motor vehicle if the motor vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or to enter into any mutually acceptable agreement with the seller"; and

Further amend said bill, Page 201, Section 643.315, Line 5, by inserting after the word "trade" a closing bracket "]" ; and

Further amend said bill, Page 201, Section 643.315, Line 6, by deleting the closing bracket "]" after the word "agreement" .

HOUSE AMENDMENT NO. 14

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 150, Line 20 of said page, by deleting the words "Each intermediate" and by deleting all of lines 21 through 23 of said page.

PART 1 OF

HOUSE AMENDMENT NO.15

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 152, Section 302.178, Line 8, by inserting immediately after the word "requirements" the following:

", or has successfully completed a driver training program taught by an instructor certified by the state department of education".

HOUSE AMENDMENT NO. 16

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 4, Section 301.142, Line 5, by deleting the word "Such" and inserting in lieu thereof the following: "[Such"; and

Further amend said bill, Page 4, Section 301.142, Line 6, by deleting the word "of" and inserting in lieu thereof the following: "of] **No person may use**"; and

Further amend said bill, Page 4, Section 301.142, Line 8, by deleting the phrase "by a person" and inserting in lieu thereof the following: "[by a] **if the person is**"; and

Further amend said bill, Page 4, Section 301.142, Line 9, by deleting the word "shall" and inserting in lieu thereof the following: "[shall"; and

Further amend said bill, Page 4, Section 301.142, Line 10, by deleting the following: "infraction." and inserting in lieu thereof the following: "infraction]. **Any violation of this subsection is an infraction, and**"; and

Further amend said bill, Page 8, Section 301.142, Line 9, by inserting after the following: "chiropractors," the following: "**or the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists,**"; and

Further amend said bill, Page 9, Section 301.142, Line 16, by inserting after the following: "osteopath," the following: "**optometrist**"; and

Further amend said bill, Page 10, Section 301.142, Line 16, by inserting after all of said line the following:

"12. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis."

HOUSE AMENDMENT NO. 17

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 25, Section 302.341, Line 23, by placing an opening bracket after the word "state" and a closing bracket after the word "thousand"; and

Further amend said section, page 27, line 18, by placing after the period the following: "**For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number."**

HOUSE AMENDMENT NO. 18

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 54, Subsection 6, Line 23, by placing a period after the word "copy" and deleting the rest of said line, and that portion of the sentence of line 1, on page 55.

HOUSE AMENDMENT NO. 19

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11, by inserting after said line the following:

"Section 10. 1. The highway patrol and any local law enforcement agency may collect, correlate and maintain the following information regarding traffic law enforcement:

- (1) The number of drivers stopped for routine traffic enforcement and whether or not a citation or warning was issued;**
- (2) Identifying characteristics of the drivers stopped, including race, ethnicity, age and gender;**
- (3) The alleged violation that led to the stop;**
- (4) Whether a search was instituted as a result of the stop;**
- (5) Whether the vehicle, personal effects, driver or passengers were searched, and the race, ethnicity, age and gender of any person searched;**
- (6) Whether the search was conducted pursuant to consent, probable cause or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion;**
- (7) Whether any contraband was found and the type and amount of any contraband;**
- (8) Whether an arrest was made;**
- (9) Whether any property was seized and a description of such property;**
- (10) Whether the officers making the stop encountered any physical resistance from the driver or passengers;**
- (11) Whether the officers making the stop engaged in the use of force against the driver or any passengers;**
- (12) Whether any injuries resulted from the stop; and**
- (13) Whether the circumstances surrounding the stop were the subject of any investigation, and the results of such investigation.**

2. The information to be collected pursuant to subsection 1 of this section need not be collected in connection with roadblocks, vehicle checks or checkpoints, except when such stops result in a warning, search, seizure or arrest.

3. The highway patrol shall conduct analyses of the information collected pursuant to this section to determine whether law enforcement officers are using profiles in law enforcement activities."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO.20

Amend House Substitute for Senate Substitute for Senate Bill No. 19, Section 301.142, Page 10, by inserting after said section:

"301.147. 1. The director of the department of revenue shall, upon the request of any person who is issued special license plates or a removable windshield placard pursuant to section 301.142 and who uses a wheelchair or transports a person who uses a wheelchair, allow the person to obtain a parking cone bearing the international symbol of accessibility and the words "wheelchair parking". Parking cones obtained pursuant to this section shall be predominantly orange, fluorescent red-orange, or fluorescent yellow-orange, not less than eighteen inches in height and shall be made of a material that can be struck without damaging vehicles on impact. Parking cones shall be purchased by any person wishing to use such cone.

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 21

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 18, Section 301.190, Line 13 of said page, by inserting after all of said line the following:

"301.467. 1. Any paramedic or emergency medical technician may, after an annual payment of an emblem-use authorization fee to the Missouri Emergency Medical Services Association as provided in subsection 2 of this section, apply for emergency medical services license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057 or 301.058. The Missouri Emergency Medical Services Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Missouri Emergency Medical Services Association, the Missouri Emergency Medical Services Association shall issue to the person, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri Emergency Medical Services Association and the words "PARAMEDIC" or the words "EMERGENCY MEDICAL TECHNICIAN" in place of the words "SHOW-ME-STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Missouri Emergency Medical Services Association, it shall be the Missouri Emergency Medical Services Associations responsibility to furnish the artwork in a digitalized format. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. The director shall issue no more than one set of such license plates to a qualified applicant. License plates issued pursuant to the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."

HOUSE AMENDMENT NO. 22

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 96, Section 9, Line 11 of said page, by inserting after all of said line the following:

"Section 10. In any action seeking an award of damages for personal injuries or property damage, no award of damages on any such claim shall be made to a claimant who, at the time of the claimant's injuries:

(1) Was operating a motor vehicle in an intoxicated condition as defined in section 577.001, RSMo; and

(2) Was more than fifty percent responsible for the injuries sustained by such claimant."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 23

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 207, Section 643.355, Line 16, by inserting immediately after said line the following: **"Allows State of Missouri to build a direct route consisting of two westbound lanes and two eastbound lanes uninterrupted from interstate I-55 in Jefferson County located on or about A Highway going through Jefferson, Franklin, Gasconade, Osage and Cole County to the city limits of Jefferson City. Funding for this route will be recaptured through toll charges."**

HOUSE AMENDMENT NO. 24

Amend House Substitute for Senate Substitute for Senate Bill No. 19, Page 1, In the Title, Line 8 of said page, by inserting after the number "301.190," the number "301.191,"; and

Further amend said bill, Page 1, In the Title, Line 14 of said page, by deleting the word "fifty-six" and inserting in lieu thereof the word "fifty-seven"; and

Further amend said bill, Page 1, Section A, Line 23 of said page, by inserting after the number "301.190," the number "301.191,"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by inserting after the number "301.190," the number "301.191,"; and

Further amend said bill, Page 10, Section 301.190, Line 1 of said page, by inserting after all of said line the following:

"301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer sixteen feet or more in length which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, "homemade" means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer sixteen feet or more in length shall obtain an inspection from the sheriff of his or her county of residence **or from the Missouri state highway patrol** prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's **or the Missouri state highway patrol's** certificate of inspection shall be transferred with the trailer.

4. A fee of ten dollars shall be paid for the inspection. **If the inspection is completed by the sheriff**, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one

exists; otherwise into the county general revenue fund. **If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the ten dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.**

5. The sheriff or **Missouri state highway patrol** shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or **Missouri state highway patrol** may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified **by the sheriff**, the sheriff [shall] **may** stamp a permanent identifying number in **the tongue of** the frame [in a manner designated by the director of revenue]. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. **Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.**

7. The sheriff or **Missouri state highway patrol** may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or **Missouri state highway patrol** may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted."

HOUSE AMENDMENT NO. 25

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 200, Section 643.315, Line 13 of said page, by deleting the word "fourteen" and inserting in lieu thereof the phrase "[fourteen] **ten**"; and

Further amend said bill, Page 201, Section 643.315, Line 10 of said page, by deleting the word "fourteen" and inserting in lieu thereof the phrase "[fourteen] **ten**".

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 121, Section 137.130, Line 10 of said page, by inserting after said line the following:

"137.131. In the event that an assessor incorrectly or inaccurately assesses real or personal property of a taxpayer, the assessor or the proper taxing authority shall refund to the affected taxpayer any taxes which were found to be incorrectly or inaccurately levied together with interest at a rate as determined in section 32.065, RSMo."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 27

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, Page 216, Section 5, Line 23, by inserting immediately after the period "." the following:

"The department of revenue shall assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 1 to 6 of this act."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 676**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SBs 1, 92, 111, 129** and **222**, as amended, and grants the Senate a conference thereon, and the conferees are bound to retain House Substitute Amendment No. 1 for House Amendment No. 7.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 289**, entitled:

An Act to repeal sections 162.857 and 162.867, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof two new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.534. [For fiscal year 1996 and each subsequent fiscal year,] **1. Except as provided in subsection 2 of this section**, any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

2. The moneys transferred pursuant to this section shall be transferred on a monthly basis as follows:

(1) For fiscal year 2001, twenty percent to the year 2000 classroom fund and eighty percent to the state school moneys fund;

(2) For fiscal year 2002, forty percent to the year 2000 classroom fund and sixty percent to the state school moneys fund;

(3) For fiscal year 2003, sixty percent to the year 2000 classroom fund and forty percent to the state school moneys fund;

(4) For fiscal year 2004, eighty percent to the year 2000 classroom fund and twenty percent to the state school moneys fund; and

(5) For fiscal year 2005, one hundred percent to the year 2000 classroom fund.

3. The amount transferred annually pursuant to each subdivision of subsection 2 of this section to the year 2000 classroom fund shall be replaced in the state school moneys fund from general revenue.

4. The provisions of subsection 3 of this section shall not be interpreted to reduce the amount of funding to be appropriated for the foundation formula pursuant to section 163.031, RSMo."; and

Further amend said bill, Page 4, Section 162.867, Line 72, by inserting after all of said line the following:

"164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

Section 1. 1. For fiscal year 2000 and each subsequent fiscal year, the "Year 2000 Classroom Fund", which is hereby created in the state treasury, shall be distributed to each school district on a per eligible pupil basis and shall not be subject to deduction as local wealth pursuant to section 163.031, RSMo. The moneys distributed pursuant to this section shall be exempt from salary compliance pursuant to section 165.016, RSMo. The moneys may be used by the district for:

- (1) School construction, renovation or leasing;**
- (2) Teacher recruitment, retention, salaries or professional development;**
- (3) Technology enhancements or textbooks or instructional materials; or**
- (4) Career and vocational education.**

2. Funds distributed pursuant to this section shall be placed in the incidental fund of the school district. The school district may transfer such funds from the incidental fund to any other school district fund without restriction."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 4, Section 162.867, Line 73, by inserting after subsection "6.", the following:

"7. Any metropolitan school district who has individuals who work in said district which are employed by the state of Missouri who participate in a vocational education program as provided in said section and which has at least a five percent shortage of certified teachers may apply to the department of elementary and secondary education for waivers to allow retired teachers to teach in said metropolitan school district for up to two year without losing his or her retirement benefits. Said retired teacher need not be in the teachers salary scale. Said metropolitan school district shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, math, science and special education.

- (1) The department of elementary and secondary education shall adopt rules to implement the provisions of said subsection 7.**
- (2) No rule or portion of a rule promulgated pursuant to the authority of subsection 7 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and**

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 289, Page 4, Section 162.867, Line 72, by adding after all of said line the following:

"Section 1. Notwithstanding the provisions of chapter 163, RSMo, to the contrary, for the purposes of determining state aid, a nonresident student enrolled pursuant to an contract entered into pursuant to Subsection 2 of Section 167.164, to provide alternative education may be counted, at the election of the serving school district, as a resident pupil."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60** and **69**, as amended: Representatives Scheve, Bray, Selby, McClelland and Patek.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60** and **69**, as amended: Senators Mathewson, Maxwell, Goode, Bentley and Steelman.

On motion of Senator DePasco, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

PRIVILEGED MOTIONS

Senator Stoll moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 676**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 676**, as amended: Senators Stoll, Maxwell, House, Russell and Flotron.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SB 19**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to concur in **HCS** for **SS** for **SB 289**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 343**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 343

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 343, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 343, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 343;
- 3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Harold Caskey
/s/ John E. Scott
/s/ Ronnie DePasco
/s/ Morris Westfall
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Joseph L. Treadway
/s/ James M. Foley
/s/ Patrick J. O'Connor
/s/ Daniel J. Hegeman
Jon Dolan

President Wilson assumed the Chair.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
Graves	House	Howard	Jacob
Kinder	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins--25			
NAYS--Senators			
Ehlmann	Flotron	Johnson	Kenney
Klarich	Rohrbach	Sims	Singleton
Yeckel--9			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Caskey, **CCS** for **SCS** for **HCS** for **HB 343**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 343

An Act to repeal sections 193.265, 209.319, 214.310, 214.330, 256.459, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 320.106, 320.116, 320.126, 320.131, 320.136, 320.141, 320.146, 326.160, 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391,

327.411, 327.421, 327.441, 327.451, 327.461, 327.605, 328.030, 331.050, 331.090, 332.021, 332.321, 333.151, 334.120, 335.021, 335.051, 335.061, 335.071, 336.130, 337.535, 338.110 and 340.202, RSMo 1994, sections 190.142, 301.142, 320.111, 320.151, 324.050, 324.056, 324.063, 324.071, 324.086, 324.128, 324.136, 324.203, 324.205, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 327.031, 327.041, 327.101, 327.401, 329.190, 330.110, 334.625, 334.655, 334.660, 334.749, 334.800, 334.850, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.066, 335.081, 337.050, 337.622, 337.739, 338.060, 338.065, 338.100, 338.220, 339.120, 339.507, 345.080, 354.618, 431.180 and 620.010, RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to professional licensing, and to enact in lieu thereof one hundred sixty-nine new sections relating to the same subject, with penalty provisions, an expiration date for certain sections and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins--29			
NAYS--Senators			
Rohrbach	Singleton	Yeckel--3	
Absent--Senators			
Flotron	Mueller--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins--26		
NAYS--Senators			
Kenney	Klarich	Rohrbach	Singleton
Steelman	Yeckel--6		
Absent--Senators			
Flotron	Stoll--2		
Absent with leave--Senators--None			

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended: Senators Schneider, Wiggins, DePasco, Sims and Bentley.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 516**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 516**, as amended by **HPA 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended: Representatives Gunn, Hollingsworth, Monaco, Purgason and Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 371**, entitled:

An Act to repeal sections 57.010, 306.100, 306.124, 306.165, 513.653, 590.100, 590.110, 590.116, 590.117, 590.130, 590.131, 590.150, 590.170, 590.175, 590.178 and 590.180, RSMo 1994, and sections 306.010, 306.016, 590.105, 590.115, 590.135 and 590.140, RSMo Supp. 1998, relating to law enforcement agencies, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 371, Page 4, Section 57.010, by inserting after the end of all of said section:

"84.140. **1.** The boards shall grant every member of the police force hired prior to May 1, 1986, a total of three weeks vacation each year with pay, and each member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay; however, the boards shall grant every member of the police force hired on or after May 1, 1986, a total of two weeks vacation each year with pay, and each such member of the police force who has served the department for five years or more shall receive three weeks vacation each year with pay, and each such member of the police force who has served the department for twelve years or more shall receive four weeks vacation each year with pay, and each such member of the police force who has served the department for twenty-one years or more shall receive five weeks vacation each year with pay. All

members of the police force shall receive fourteen holidays with pay, and one hundred four days off duty each year with pay, and the boards may from time to time grant additional days off duty each year with pay when in the judgment of the boards, the granting thereof will not materially impair the efficiency of the department.

2. The St. Louis board of police commissioners may compensate the chief of police for any vacation leave accumulated in lieu of providing vacation days off with pay if such arrangement for compensation is agreed to by both the board and the chief of police."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 20, Section 513.653, Line 6, by inserting after all of said line the following:

"Section 1. As used in sections 1 to 5 of this act, the following terms mean:

- (1) "Employing law enforcement agency" or "law enforcement agency", this state or any political subdivision in this state that employs law enforcement officers certified as required by chapter 590, RSMo;**
- (2) "Grievance committee", the committee, consisting of one or more individuals as established by the written guidelines of the department's policy and procedures manual, which may include already established personnel boards;**
- (3) "Grievance hearing", any hearing conducted by a grievance committee for the purpose of determining the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;**
- (4) "Law enforcement officer" or "officer", any person who is regularly employed by an employing law enforcement agency and certified under chapter 590, RSMo, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment, highway patrol members, water patrol members, conservation agents, state park rangers, or an elected sheriff, elected marshal, appointed chief of police or any chief deputy, deputy or undersheriff of a sheriff's department;**
- (5) "Punitive action", any disciplinary action as set forth in the written guidelines of the department's policy and procedures manual, except a written or oral reprimand, taken against a law enforcement officer by the employing law enforcement agency, including but not limited to dismissal, demotion, suspension, reduction in salary, withholding of salary, or a disciplinary transfer.**

Section 2. The provisions of sections 1 to 5 of this act shall not apply to any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request and have a grievance hearing and the results of such hearing reduced to writing, and the results are appealable to the circuit court.

Section 3. 1. Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency's written and distributed policies and procedures for the reason of the punitive action.

2. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a grievance hearing in writing. The hearing shall take place before the grievance committee as defined by the published and distributed employing law enforcement agency rules and regulations or procedures.

3. The employing law enforcement agency shall schedule the grievance hearing no sooner than five days and no later than ten days after the written request was received from the law enforcement officer.

4. If the employing law enforcement agency is represented by counsel at the grievance hearing, the law enforcement officer shall have the right to be represented by counsel.

5. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any law enforcement officer.

Section 4. Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be made available to the law enforcement officer.

Section 5. The decision of the grievance committee issued pursuant to sections 1 to 5 of this act shall be appealable to circuit court.

[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]

[590.500. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency.]" ; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended: Senators Clay, Maxwell, Mathewson, Sims and Rohrbach.

PRIVILEGED MOTIONS

Senator Jacob, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 516**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 516

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Bill No. 516;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, as amended;
3. That the attached Conference Committee Substitute be adopted.
- FOR THE SENATE:

/s/ Ed Quick

/s/ Jim Mathewson

/s/ Ken Jacob

/s/ Steve Ehlmann

/s/ Walt Mueller
- FOR THE HOUSE:

/s/ Steve Gaw

/s/ Joan Bray

/s/ Tim VanZandt

/s/ Michael R. Gibbons

/s/ Daniel J. Hegeman

Senator Jacob moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Schneider	Scott--2		
Absent with leave--Senators--None			

Senator Jacob moved that **CCS** for **SS** for **SCS** for **HS** for **HB 516**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 516

An Act to repeal sections 33.080, 136.300, 143.111, 143.151, 147.010, 147.020, 147.030, 147.040, 147.050, 147.070, 147.080, 147.100, 351.484 and 351.598, RSMo 1994, and sections 136.110, 137.073, 143.124, 143.161, 144.010, 144.030, 147.120 and 351.120, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an effective date for certain sections.

Be read the 3rd time and finally passed.

Senator Jacob offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Section 143.124, Page 20, Line 14, by inserting after the word "include" the words "**401(k) plans, deferred compensation plans,**"; and

Further amend said section, Page 20, Line 17, by inserting after the word "Code," the words "**but not including Roth IRAs,**"; and

Further amend said section, Page 20, Line 20, by inserting after the word "state." the words "**An individual taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six thousand dollars for each taxpayer on the combined return.**"; and

Further amend said substitute, Page 48, Section 144.030, Line 10 of said page, by deleting the words "**and food**" and inserting in lieu thereof the words "**or food**"; and

Further amend said section, Page 48, Line 13 of said page, by deleting the word and number "**and 541940**" and inserting in lieu thereof the word and number "**or 541940**"; and

Further amend said substitute, Page 53, Section 147.010, Line 6 of said page, by deleting the words "**secretary of state**" and inserting in lieu thereof the words "**director of revenue**".

Senator Jacob moved that the above perfecting amendment be adopted, which motion prevailed.

On motion of Senator Jacob, **CCS** for **SS** for **SCS** for **HS** for **HB 516**, as amended by **SPA 1**, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 14, 60 and 69

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 & 69;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Jim Mathewson	/s/ May Scheve
/s/ Wayne Goode	/s/ Joan Bray
/s/ Joe Maxwell	/s/ Harold R. Selby
/s/ Sarah H. Steelman	/s/ Jewell Patek
/s/ Roseann Bentley	/s/ Emmy McClelland

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks

Childers

Bentley

Clay

Bland

DePasco

Caskey

Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 14, 60 and 69

An Act relating to pharmaceutical income tax credits for lower income elderly persons.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach--1

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Maxwell moved that the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SBs 160 and 82**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Flotron	Klarich	Rohrbach--3	
Absent--Senators			
Bland	Schneider	Stoll--3	
Absent with leave--Senators--None			

On motion of Senator Maxwell, **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Flotron	Klarich	Rohrbach--3	
Absent--Senators			
Quick	Schneider	Staples--3	
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Klarich	Rohrbach	Sims--3	
Absent--Senators			
Jacob	Schneider	Singleton	Staples--4
Absent with leave--Senators--None			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Flotron moved that the Senate refuse to concur in **HS** for **HCS** for **SB 371**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Clay, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 387, 206 and 131**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 387, 206 and 131

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, with House Amendments Nos. 1, 2, 3 & 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131;
2. That the attached Conference Committee Amendment No. 1, be adopted;
3. That House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131, with House Amendments Nos. 1, 2, 3 & 4 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ William Clay
/s/ Joe Maxwell
/s/ Jim Mathewson
/s/ Larry Rohrbach
/s/ Betty Sims

FOR THE HOUSE:

/s/ Russell C. Gunn
/s/ Chuck Gross
/s/ Ralph Monaco
/s/ Chuck Purgason
/s/ Kate Hollingsworth

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 and 131, page 29, Section 1, Line 18 of said page, by inserting after "by" the following: "**the director, after consideration of caseload standards established by**"; and

Further amend said bill, page 30, Section 2, line 18 of said page, by inserting a period "." after the word "evaluation"; and further amend lines 19 to 24 of said page, by striking all of said lines; and

Further amend said bill, page 34, Section 7, line 16 of said page, by striking "shall not" and inserting in lieu thereof the following: "**are not required to**"; and further amend line 20 of said page, by striking "in a given county"; and inserting in lieu thereof the following: "**and such employment**"; and further amend line 21 of said page, by striking

the following: "(2) The employment".

Senator Clay moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Johnson	Kenney	Kinder	Mathewson
Maxwell	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins--27	
NAYS--Senators			
Graves	Klarich	Mueller	Westfall--4
Absent--Senators			
Jacob	Schneider	Yeckel--3	
Absent with leave--Senators--None			

Senator Mathewson assumed the Chair.

On motion of Senator Clay, **HS** for **HCS** for **SCS** for **SBs 387, 206 and 131**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
House	Howard	Johnson	Kinder
Mathewson	Maxwell	Quick	Scott
Sims	Staples	Steelman	Stoll
Wiggins--21			
NAYS--Senators			
Ehlmann	Graves	Kenney	Klarich
Mueller	Rohrbach	Russell	Westfall--8
Absent--Senators			
Flotron	Jacob	Schneider	Singleton
Yeckel--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Russell moved that **SB 115**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was again taken up.

Senator Russell moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Mathewson	Maxwell	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Jacob	Klarich	Mueller	Quick
Schneider	Singleton	Westfall--7	

Absent with leave--Senators--None

On motion of Senator Russell, **SB 115**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Russell	Scott	Staples
Steelman	Westfall	Wiggins	Yeckel--24

NAYS--Senators

Howard	Rohrbach	Sims--3
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Absent--Senators

Bentley	Jacob	Klarich	Quick
Schneider	Singleton	Stoll--7	

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 64 was placed on the Informal Calendar.

HS for **HCS** for **HB 822**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 321** and **493**, with **SCAs 1** and **2**, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055, 174.450, 174.453, 174.610 and 175.020, RSMo Supp. 1998, relating to the governing boards of certain institutions of higher education, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion failed.

SCA 2 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 321 and 493, Page 9, Section 175.023, Line 9, by inserting after all of said line the following:

"Section 1. In any school district in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university referred to in section 174.020, RSMo, and governed by section 174.056, RSMo, which provides educational programs to any part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator House, **HCS** for **HBs 321** and **493**, with **SA 1** (pending), was placed on the Informal Calendar.

HCS for **HBs 192** and **945**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 389**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 599**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 430** and **648**, with **SCS**, was placed on the Informal Calendar.

HCS for **HJR 26**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 44 of article IV of the Constitution of Missouri, relating to the conservation commission and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Staples.

SCS for **HCS** for **HJR 26**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 26

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 44 of article IV of the Constitution of Missouri, relating to the conservation commission and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

Senator Staples moved that **SCS** for **HCS** for **HJR 26** be adopted.

Senator Scott offered a substitute motion that further debate on **SCS** for **HCS** for **HJR 26** be postponed until 5:59 p.m. on May 14th, 1999, which motion failed on a standing division vote.

SCS for **HCS** for **HJR 26** was again taken up.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Joint Resolution No. 26, Page 1, Section 44, Line 8, by adding the following:

"Section B. Section 7, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be submitted to the voters as a separate question, to be known as section 7, to read as follows:

Section 7. Neither the state, nor any of its political subdivisions, shall make any law respecting an establishment of religion or prohibiting the free exercise thereof.

[Section 7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.]".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Staples, **HCS** for **HJR 26**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SB 19**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SB 19**, as amended: Representatives Koller, Green, Gratz, Patek, Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 676**, as amended: Representatives Days, Farnen, Seigfried, Long, Blunt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended, and has taken up

and passed **CCS** for **SCS** for **HCS** for **HBs 603, 722 and 783**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SBs 308 and 314**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SBs 308 and 314**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 267**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 267**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 371**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 14, 60 and 69**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended: Representatives May (108), Monaco, Hosmer, Richardson, Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 371**, as amended: Representatives Hosmer, Carter, Kissell, Barnett and Gibbons.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 19**, as amended: Senators Goode, Graves, Kenney, Mathewson and Staples.

PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 267**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 267

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 267;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 267, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ John E. Scott
/s/ Harry Wiggins
/s/ Jim Mathewson
/s/ David Klarich
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Thomas Hoppe
/s/ Francis Overschmidt
/s/ Timothy P. Green
/s/ John E. Griesheimer
/s/ Jon Dolan

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bland	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins

Yeckel--25

NAYS--Senators

Bentley	Caskey	Childers	Graves
Kenney	Russell	Singleton	Westfall--8

Absent--Senator Flotron--1

Absent with leave--Senators--None

On motion of Senator Scott, **CCS** for **SS** for **SCS** for **HCS** for **HB 267**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 267

An Act to repeal sections 311.091, 311.093, 311.178, 311.210, 311.220, 311.293, 311.298, 311.328, 311.329 and 311.660, RSMo 1994, and sections 311.098, 311.102, 311.200, 311.260, 311.300 and 311.680, RSMo Supp. 1998, relating to the division of liquor control, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Schneider	Scott	Sims
Staples	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Childers	Graves	Kenney
Russell	Singleton	Steelman	Westfall--8
Absent--Senators			
Flotron	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 603, 722 and 783**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 603, 722 and 783

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 603, 722 and 783, as amended;
2. That the House recede from its position on House Committee Substitute for House Bills Nos. 603, 722 and 783;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Wayne Goode	/s/ Gary Wiggins
/s/ Joe Maxwell	/s/ Bill Ransdall

/s/ John T. Russell
/s/ John D. Schneider
/s/ Morris Westfall

/s/ Jim Kreider
/s/ John E. Griesheimer
/s/ Ronnie Miller

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **SCS** for **HCS** for **HBs 603, 722 and 783**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 603, 722 and 783

An Act to repeal sections 260.209, 307.390, 643.315, 643.335, 643.350 and 643.355, RSMo 1994, and sections 34.040, 260.205, 260.273, 260.330, 307.366, 307.375, 319.131 and 643.310, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Klarich Rohrbach--2

Absent--Senators

Banks	Flotron	Scott	Staples--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1, 92, 111, 129 and 222

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, with House Amendments Nos. 1, 2, 3, 4, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222; and
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John D. Schneider	/s/ Brian H. May
/s/ Harry Wiggins	/s/ Ralph A. Monaco
/s/ Ronnie DePasco	/s/ W. Craig Hosmer
/s/ Betty Sims	/s/ Mark Richardson
/s/ Roseann Bentley	/s/ Jewell Patek

Senator Schneider moved that the above conference committee report be adopted.

At the request of Senator Schneider, the above motion was withdrawn.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SB 289**, as amended, and request the Senate take up and pass **HCS for SS for SB 289**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 852** and has taken up and passed **CCS for SCS for HS for HCS for HB 852**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the conference committee report on **HS for HCS for SCS for SB 61**, as amended, and request the Senate grant the House further conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House is returning **CCS for SS for SCS for HB 65** for further consideration.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS for SCS for HS for HCS for HB 701**, as amended, and has taken up and passed **CCS for SS for SCS for HS for HCS for HB 701**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SB 518**, entitled:

An Act to repeal section 67.1300, RSMo Supp. 1998, relating to economic development programs, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 518, Page 15, Section 4, Line four, by adding immediately after said line, the following:

"5. The Missouri seed capital investment board shall report the following to the department:

(1) As soon as practicable after the receipt of a qualified contribution the name of each person from which the qualified contribution was received, the amount of each contributor's qualified contribution and the tax credits computed pursuant to this section;

(2) On a quarterly basis, the amount of qualified investments made to any qualified business;

(3) On a quarterly basis, verification that the investment of seed capital, start up capital, or follow up capital in a qualified business does not direct more than ten percent of all the qualified contributions to a qualified fund to be invested in a single qualifying business.

6. Each qualified fund shall provide annual audited financial statements, including the opinion of an independent certified public accountant, to the department within ninety days of the close of the state fiscal year. The audit shall address the methods of operation and conduct of the business of the qualified economic development organization to determine compliance with the statutes and program rules and that the qualified contributions received by the qualified fund have been invested as required by this section."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate grant the House further conference on **HS** for **HCS** for **SCS** for **SB 61**, as amended, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 61**, as amended: Senators Bentley, Westfall, Johnson, Stoll and Mathewson.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 371**, as amended: Senators Flotron, Singleton, Howard, Wiggins and Stoll.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Scott moved that the vote to lay on the table the motion to reconsider the vote by which **CCS** for **SS** for **SCS** for **HB 65** passed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Steelman--1			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

Having voted on the prevailing side, Senator Scott moved that the vote by which the title to **CCS** for **SS** for **SCS** for **HB 65** was agreed to be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Singleton	Stoll

Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Klarich	Rohrbach	Steelman--3	
	Absent--Senators		
Banks	Bentley	Schneider	Staples--4
	Absent with leave--Senators--None		

Having voted on the prevailing side, Senator Scott moved that the vote by which the Emergency Clause was adopted be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Quick	Russell
Scott	Sims	Staples	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Klarich	Rohrbach	Steelman--3	
	Absent--Senators		
Banks	Bentley	Schneider	Singleton--4
	Absent with leave--Senators--None		

Having voted on the prevailing side, Senator Scott moved that the vote by which **CCS** for **SS** for **SCS** for **HB 65** was read the 3rd time and passed be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Mathewson	Maxwell	Mueller
Russell	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Klarich	Rohrbach	Steelman--3	
	Absent--Senators		
Banks	Bentley	Ehlmann	Johnson
Quick	Schneider--6		
	Absent with leave--Senators--None		

Having voted on the prevailing side, Senator Scott moved that the vote by which the Conference Committee Report on **SS** for **SCS** for **HB 65**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Mathewson	Maxwell
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Klarich

Rohrbach

Steelman--3

Absent--Senators

Banks

Bentley

Ehlmann

Schneider--4

Absent with leave--Senators--None

At the request of Senator Scott, the motion to adopt the conference committee report on **SS** for **SCS** for **HB 65**, as amended, was withdrawn.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 335

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, with House Amendments Nos. 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendments Nos. 15, 16, 17, 18, 19, 20 and 21; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 335;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ Jim Mathewson
/s/ John E. Scott
/s/ Morris Westfall
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Kelly Parker
/s/ W. Craig Hosmer
/s/ Phillip M. Britt
Catharine Hanaway
Mark Richardson

Senator Caskey moved that the above conference committee report be adopted.

At the request of Senator Caskey, the above motion was withdrawn.

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 436**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 436

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, with House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 436;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436 be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Ed Quick	/s/ Thomas Hoppe
/s/ John E. Scott	/s/ Tim Harlan
/s/ Jim Mathewson	/s/ Phil Smith
/s/ Betty Sims	/s/ John E. Griesheimer
/s/ Anita Yeckel	/s/ Carson Ross

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senator Graves--1			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Quick, **CCS** for **HS** for **HCS** for **SCS** for **SB 436**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 436

An Act to repeal sections 190.307 and 320.320, RSMo 1994, and sections 190.044, 190.060, 321.220, 321.242, 321.600 and 650.330, RSMo Supp. 1998, relating to certain emergency services, and to enact in lieu thereof eleven new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Graves--1

Absent--Senator Russell--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 61**, as amended: Representatives Hoppe, Foley, Rizzo, Berkstresser and Marble.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 394**, entitled:

An Act to repeal sections 52.260, 72.409, 72.416, 140.110, 140.160, 141.080, 141.220 and 141.570, RSMo 1994, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418, 72.422 and 139.053, RSMo Supp. 1998, relating to ownership of property, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with a penalty provision and an effective date for a certain sections and an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, Page 65, Section E, Line 4, by inserting after all of said line the following:

"Section F. Three new sections are enacted, to be known as sections 3, 4, and 5, to read as follows:

Section 3. 1. The governor is hereby authorized and empowered to transfer, grant and convey approximately one hundred five acres in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to the Missouri department of natural resources. The property to be conveyed to the Missouri department of natural resources by the governor, state of Missouri, is more particularly described as follows:

A 105-acres, more or less, of land located in that part of Section 13, Township 45 North, Range 13 West, Cole County, Missouri, generally described as follows: lying south of and southwest of the Missouri Pacific Railroad, West of Workman's Creek, North of Missouri State Highway 179, and East and South of tract of land currently owned by Donald and Patsy Russell.

2. The Missouri Department of Natural Resources shall survey and legally describe the above tract of land, and the legal description of said survey shall be used in the instrument of conveyance from the Governor, State of Missouri, to the Department of Natural Resources.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey in fee simple absolute in property owned by the state in Cole County which is part of the correctional facility known as the Church Farm to any person at a public offering as provided in subsection 2 of this section. The property hereby authorized to be conveyed by the governor shall be more particularly described by a survey. Such survey shall be authorized by the division of design and construction of the office of administration pursuant to this section.

2. The division of design and construction of the office of administration shall authorize an independent appraisal or appraisals. The commissioner of administration shall set the terms and conditions for the public sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required; the time, place and terms of the sale; whether or not a minimum bid shall be required; and whether or not to contract for the services of a public auctioneer to market the property. The auctioneer, if any, may receive the usual and customary fee. All costs and fees, directly related to such sale, shall be paid from the proceeds of such sale. All proceeds received for such sale, in excess of the costs, shall be used to assist in the funding of the construction or repair or maintenance of state correctional facilities.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city of Jefferson, Missouri, property used for the street right-of-way, utilities and sanitary lift station purposes. The property to be conveyed to the city of Jefferson, Missouri, by the state of Missouri is more particularly described as follows:

Part of the Southeast Quarter of Section 30, Township 44 North, Range 11 West, in the City of Jefferson, County of Cole, Missouri; being more particularly described as follows:

BEGINNING at the northeast corner of the Southeast Quarter of said Section 30; thence south along the east line of said Southeast Quarter, 625 feet; thence west and parallel to the north line of said Southeast Quarter, to a point 30 feet west of the said east line of said Southeast Quarter, as measured perpendicular thereto; thence north on a line parallel to and 30 feet west of said east line of said Southeast Quarter, 625 feet to the north line of said Southeast Quarter; thence east along the north line of said Southeast Quarter to the POINT OF BEGINNING. Containing in all, .043 acres.

2. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 793**.

PRIVILEGED MOTIONS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 61**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 61

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 61;
3. That the attached Conference Committee Amendment No. 1, be adopted; and
4. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, with Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Roseann Bentley
/s/ Morris Westfall
/s/ Sidney Johnson
/s/ Stephen Stoll
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Thomas Hoppe
/s/ Henry Rizzo
/s/ James M. Foley
/s/ Gary Marble
/s/ Judy Berkstresser

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61, Page 21, Section 1, Line 19 of said page, by inserting after all of said line the following:

"Section 2. The portion of state highway 13 in Caldwell county shall be named "The Zach Wheat Memorial Highway"."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Ehlmann	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Bentley, **CCS** for **HS** for **HCS** for **SCS** for **SB 61**, as amended by the conference committee report no. 2, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Klarich	Rohrbach--2		
	Absent--Senators		
Ehlmann	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Quick moved that **SCS** for **SB 394**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 394**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394

An Act to repeal sections 52.260, 72.409, 72.416, 140.110, 140.160, 141.080, 141.220 and 141.570, RSMo 1994, and sections 72.400, 72.401, 72.402, 72.403, 72.405, 72.407, 72.408, 72.410, 72.412, 72.418, 72.422 and 139.053, RSMo Supp. 1998, relating to ownership of property, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with a penalty provision and an effective date for a certain sections and an emergency clause for a certain section.

Was taken up.

Senator Quick moved that **HS** for **HCS** for **SCS** for **SB 394**, as amended, be adopted.

At the request of Senator Quick, the above motion was withdrawn.

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 701**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 701

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 701;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 701, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Jim Mathewson

/s/ Sidney Johnson

FOR THE HOUSE:

/s/ Henry Rizzo

/s/ Dennis Bonner

/s/ John E. Scott
/s/ Doyle Childers
/s/ David J. Klarich

/s/ Carol Jean Mays
/s/ Bubs Hohulin
/s/ Carl M. Vogel

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

On motion of Senator Mathewson, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 701**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 701

An Act to repeal sections 143.081, 620.163 and 620.602, RSMo 1994, and sections 135.100, 135.200, 135.205, 135.207, 135.208, 135.225, 135.230, 135.535, 135.750, 620.1023 and 620.1300, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof nineteen new sections relating to the same subject, with an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach--1

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Staples moved that **SB 518**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 518**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 518

An Act to repeal section 67.1300, RSMo Supp. 1998, relating to economic development programs, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Staples moved that **HS** for **HCS** for **SB 518**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Rohrbach	Russell--2		
Absent--Senators			
Bentley	Maxwell	Quick	Schneider--4
Absent with leave--Senators--None			

On motion of Senator Staples, **HS** for **HCS** for **SB 518**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Rohrbach	Russell--2		

Absent--Senators

Clay

Jacob

Quick

Schneider--4

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Clay

Russell

Schneider

Singleton--4

Absent with leave--Senators--None

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 394**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 19**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9, 10, 11, 12, 13, 14, Part 1 of House Amendment No. 15, House Amendments Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 19; and

3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 19, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode

/s/ Sam Graves

/s/ Bill Kenney

/s/ Jim Mathewson

/s/ Danny Staples

FOR THE HOUSE:

/s/ Don Koller

/s/ Timothy Green

/s/ W. W. (Bill) Gratz

/s/ Chuck Pryor

/s/ Jewell Patek

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bland	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	Sims
Staples	Steelman	Stoll	Westfall
Wiggins--21			
NAYS--Senators			
Caskey	Klarich	Mueller	Rohrbach
Russell	Scott	Singleton	Yeckel--8
Absent--Senators			
Bentley	Clay	Howard	Quick
Schneider--5			
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **HS** for **SS** for **SCS** for **SB 19**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19

An Act to repeal sections 82.485, 82.487, 137.130, 302.177, 302.735, 303.041, 303.042, 303.043, 303.190, 304.170, 304.235, 306.400, 306.405, 306.410, 306.415, 306.420, 307.353, 307.355, 307.360, 307.365, 307.390, 374.070, 643.315, 643.335, 643.350, 643.355, 700.010, 700.015, 700.021, 700.025, 700.030, 700.035, 700.045, 700.050, 700.060, 700.090 and 700.100, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.142, 301.190, 301.191, 302.020, 302.060, 302.130, 302.171, 302.173, 302.181, 302.302, 302.304, 302.309, 302.321, 302.341, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375, 307.400, 374.205, 643.310 and 700.040, RSMo Supp. 1998, relating to drivers and motor vehicles, and to enact in lieu thereof ninety new sections relating to the same subject, with penalty provisions, effective dates and expiration dates for certain sections and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	Clay

DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Maxwell	Mueller
Quick	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Banks	Caskey	Howard	Klarich
Mathewson	Rohrbach	Russell	Scott
Sims	Yeckel--10		
	Absent--Senator Schneider--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

	YEAS--Senators		
Bentley	Bland	Ehlmann	Flotron
Goode	Graves	Jacob	Johnson
Kenney	Kinder	Mathewson	Quick
Scott	Sims	Singleton	Stoll
Westfall	Wiggins--18		
	NAYS--Senators		
Banks	Caskey	Childers	Clay
DePasco	House	Howard	Klarich
Maxwell	Rohrbach	Russell	Staples
Steelman	Yeckel--14		
	Absent--Senators		
Mueller	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 793**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 793

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate

Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 793, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 793;
3. That the attached Conference Committee Substitute be adopted.
- FOR THE SENATE:

/s/ Jim Mathewson

/s/ John E. Scott

/s/ Sidney Johnson

/s/ Franc Flotron

/s/ Betty Sims
- FOR THE HOUSE:

/s/ Joseph L. Treadway

/s/ Patrick J. O'Connor

/s/ Jim O'Toole

/s/ John E. Griesheimer

/s/ W. Todd Akin

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bland	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
	NAYS--Senators		
Bentley	Caskey	Childers	Kenney
Klarich	Russell	Scott	Sims
Singleton--9			
	Absent--Senator Howard--1		
	Absent with leave--Senators--None		

On motion of Senator Mathewson, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 793**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 793

An Act to repeal sections 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.822, 313.830 and 572.010, RSMo 1994, and section 313.807, as reprinted in RSMo Supp. 1998, relating to gaming, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bland	Clay	DePasco
Ehlmann	Flotron	Graves	Jacob
Johnson	Mathewson	Maxwell	Mueller
Rohrbach	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--19	

NAYS--Senators

Bentley	Caskey	Childers	Goode
House	Howard	Kenney	Kinder
Klarich	Russell	Schneider	Sims
Singleton--13			

Absent--Senators

Quick Scott--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Caskey moved that the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, be taken up for adoption, which motion prevailed.

Senator Caskey offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335, Pages 15-16, Section 557.035, by striking all of said section from the bill; and

Further amend said bill, Page 28, Section 558.019, Line 1 of said page, by inserting after the word "programs" the following: "; and

(6) The donation of a designated amount of money to a county law enforcement fund as determined by the judge. An annual audit of the fund shall be conducted by the county auditor or the state auditor. The provisions of this subdivision shall expire December 31, 2002. Any money deposited into the county law enforcement fund pursuant to this section shall only be expended with the approval of the majority of the presiding commissioner, the sheriff and one other elected county official to be agreed upon by the presiding commissioner and the sheriff"; and

Further amend said bill, Page 28, Section 559.021, Line 19 of said page, by inserting after the word "judge" the following: "; and

(3) The donation of a designated amount of money to a county law enforcement fund as determined by the judge. An annual audit of the fund shall be conducted by the county auditor or the state auditor. The provisions of this subdivision shall expire December 31, 2002. Any money deposited into the county law enforcement fund pursuant to this section shall only be expended with the approval of the majority of the presiding commissioner, the sheriff and one other elected county official to be agreed upon by the presiding commissioner and the

sheriff"; and

Further amend the title and enacting clause accordingly.

Senator Caskey requested unanimous consent of the Senate to suspend the rules and adopt the conference committee report; adopt **SPA 1**; and 3rd read **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 335** with one vote, which request was granted.

On motion of Senator Caskey, the conference committee report was adopted; **SPA 1** was adopted; and **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 335**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 335

An Act to repeal sections 1.160, 149.011, 149.071, 217.760, 513.653, 558.011, 558.016, 569.025, 569.035, 570.020, 573.503 and 577.023, RSMo 1994, and sections 21.455, 392.540, 407.020, 558.019, 559.021, 559.026, 559.115, 559.630, 559.633, 559.635, 570.030, 570.040, 571.030, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1998, relating to crimes and punishment, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions for certain sections.

Was read the 3rd time and finally passed by the following vote:

YEAS--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 852**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 852

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 852;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Harold Caskey

/s/ J. B. Banks

/s/ John E. Scott

/s/ Betty Sims

/s/ Roseann Bentley

FOR THE HOUSE:

/s/ W. Craig Hosmer

/s/ Steve Gaw

/s/ Phil Smith

/s/ Michael R. Gibbons

/s/ Jon Dolan

Senator Caskey moved that the rules be suspended and that the conference committee report be adopted and **CCS** for **SCS** for **HS** for **HCS** for **HB 852** be read the 3rd time and finally passed all in one motion, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Sims	Staples
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Clay	Kenney	Mueller	Rohrbach
Singleton	Steelman--6		

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Caskey, the conference committee report was adopted and **CCS** for **SCS** for **HS** for **HCS** for **HB 852**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 852

An Act to repeal sections 600.042, 632.483, 632.486, 632.489, 632.492, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof nine new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Goode	Klarich--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended, be taken up for adoption, which motion prevailed.

Senator Schneider offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 46, Section 455.035, Lines 2-4 of said page, by striking the following: "**Furthermore, the penalty provided by subsection 7 of section 455.085 shall not apply to any person who has not been served with an ex parte order of protection.**"; and

Further amend said bill, page 105, section 7, line 10 of said page, by inserting immediately after said line the following:

"Section 8. Any county, city, town, village or other political subdivision found to have filed a frivolous action against any firearms or ammunition manufacturer, trade association or dealer, shall be liable for all costs, attorneys' fees and other sanctions as the court finds necessary to prevent such future actions by the plaintiff or entities similarly situated."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the rules be suspended and that the conference committee report be adopted, the perfecting amendment be adopted, and **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1, 92, 111, 129 & 222

An Act to repeal sections 57.130, 88.013, 88.023, 211.031, 211.453, 211.477, 407.025, 455.045, 476.415, 476.681, 476.682, 476.760, 477.087, 478.320, 478.625, 487.090, 491.300, 494.415, 494.445, 494.455, 494.485, 508.190, 511.440, 511.450, 528.620, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 351.025, 354.065, 452.310, 452.340, 452.400, 452.401, 452.552, 452.554, 455.035, 455.040, 455.050, 455.067, 455.083, 455.205, 476.385, 476.515, 478.001, 478.268, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260, 590.140 and 632.492, RSMo Supp. 1998, relating to jurisdiction and procedures of courts, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with an expiration date for a certain section.

Be read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Mueller--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 394**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 394**, as amended: Representatives Hoppe, Green, Kelly (27), Marble, Lograsso.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 394**, as amended: Senators Quick, Mathewson, Scott, Sims and Mueller.

PRIVILEGED MOTIONS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 394**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 394, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 394;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:

/s/ Ed Quick
/s/ Jim Mathewson
/s/ John E. Scott
/s/ Betty Sims
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Thomas J. Hoppe
/s/ Tim Green
Glenda Kelly
/s/ Gary Marble
/s/ Don Lograsso

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Bentley--1		
	Absent--Senators		
Mathewson	Schneider--2		
	Absent with leave--Senators--None		

On motion of Senator Quick, **CCS** for **HS** for **HCS** for **SCS** for **SB 394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394

An Act to repeal sections 140.110 and 141.080, RSMo 1994, relating to ownership of property, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Graves	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 676**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 676**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Stoll, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 676**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 676

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, with Senate Amendments Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 676; and
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 676, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Stephen Stoll

/s/ Joe Maxwell

/s/ Ted House

/s/ John T. Russell

FOR THE HOUSE:

/s/ Rita D. Days

/s/ Jim Seigfreid

/s/ Ted Farnen

/s/ Matthew Roy Blunt

Senator Stoll moved that the rules be suspended and that the conference committee report be adopted, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 676**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 676

An Act to repeal sections 115.065, 115.105, 115.195, 115.199, 115.231, 115.289, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.647, 116.060, 116.080, 116.090, 116.110, 116.120, 116.150, 116.220 and 205.180, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.124, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.613, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.773, 115.776, 115.780, 115.785, 116.030, 116.040, 116.100, 116.130, 116.160, 116.170, 116.175, 116.180, 116.190 and 130.057, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof fifty-eight new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Be read the 3rd time and finally passed and the emergency clause be adopted all in one vote, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--32

NAYS--Senator Westfall--1

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, as amended, and has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 160** and **82**, as amended by the conference committee report.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 71**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SCS** for **SB 61**, as amended by the conference committee report and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 61**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HCS** for **HB 889**, as amended, and has again taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 889**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 394**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SBs 387, 206** and **131**, as amended, and has taken up and passed **HS** for **HCS** for **SCS** for **SBs 387, 206** and **131**, as amended by the conference committee report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SCS** for **SB 19**, as amended, and has taken up and passed **CCS** for **HS** for **SS** for **SCS** for **SB 19**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 328, 87, 100 and 55**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 335**, as amended by House Perfecting Amendment No. 1.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 436**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 436**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 1, 92, 111, 129 and 222**, as amended by House Perfecting Amendment No. 1.

Bill ordered enrolled.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 926, regarding Georganna Hughes, Ellington, which was adopted.

Senator Staples offered Senate Resolution No. 927, regarding Mark Parker, Ellington, which was adopted.

Senator Caskey offered Senate Resolution No. 928, regarding Devin Moberly, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 929, regarding Travis Smith, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 930, regarding Ty Sanders, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 931, regarding Krista Woirhaye, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 932, regarding John McCoy, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 933, regarding Thea Gillham, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 934, regarding Stephanie Prince, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 935, regarding Jennifer Schantz, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 936, regarding Zach Hilty, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 937, regarding Will Marshall, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 938, regarding Patrick Edgett, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 939, regarding Lyndsey Hodges, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 940, regarding Kristin Strothmann, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 941, regarding Zac Maggi, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 942, regarding Emily Adboler, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 943, regarding Mark Moberly, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 944, regarding Michelle Bancroft, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 945, regarding Emily Gabbert, Clinton, which was adopted.

Senator Howard offered Senate Resolution No. 946, regarding Charles Sparks, Malden, which was adopted.

Senator Howard offered Senate Resolution No. 947, regarding the One Hundredth Birthday of Marie Boyts, Advance, which was adopted.

Senator Howard offered Senate Resolution No. 948, regarding Gladys Aubuchon, which was adopted.

Senator Howard offered Senate Resolution No. 949, regarding Dee LaPlant, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 950, regarding Pam Birmingham, CNA, which was adopted.

Senator Stoll offered Senate Resolution No. 951, regarding Dr. John T. Shaughnessy, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 952, regarding Kirsten Schultz, St. Louis, which was adopted.

Senator Singleton offered Senate Resolution No. 953, regarding Sue Billingsly, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 954, regarding Kristen Tuohy, Racine, which was adopted.

Senator Howard offered Senate Resolution No. 955, regarding the One Hundred Second Birthday of Bryan Swilley, Portageville, which was adopted.

Senator Johnson offered Senate Resolution No. 956, regarding Charles Lau, St. Joseph, which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 218 entitled:

AN ACT

To repeal sections 174.450 and 174.453, RSMo Supp. 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On May 13, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 218.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 234 entitled:

AN ACT

To repeal sections 294.011 and 294.030, RSMo Supp. 1998, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

On May 13, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 234.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1999

TO THE SECRETARY OF THE SENATE

90th GENERAL ASSEMBLY

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 276 entitled:

AN ACT

To repeal sections 205.374 and 360.060, RSMo 1994, and sections 205.190, 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to health and educational facilities, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause for certain sections.

On May 13, 1999, I approved said House Committee Substitute for

Senate Bill No. 276.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

Senator Rohrbach introduced to the Senate, Stacia Schaefer, and her son Max, Jefferson City.

Senator Clay introduced to the Senate, his daughter, Carol, St. Louis; and Carol was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 3:00 p.m., Tuesday, May 18, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY--TUESDAY, MAY 18, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

RESOLUTIONS

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 957, regarding Patrick S. Weidt, Parkville, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 958, regarding Terry W. Royal, Kansas City, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 959, regarding Ryan W. Pigg, Parkville, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 960, regarding Joseph B. "Joe" Parvin, Kansas City, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 961, regarding Caleb R. Graves, Kansas City, which was adopted.

On behalf of Senator Johnson, Senator Quick offered Senate Resolution No. 962, regarding James E. "Jimmy" Dunkin, North Kansas City, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 963, regarding Lois Reine, Jefferson City, which was adopted.

On behalf of Senator Schneider, Senator Quick offered Senate Resolution No. 964, regarding the death of D. Michael "Mike" Luley, Florissant, which was adopted.

On behalf of Senator Rohrbach, Senator Quick offered Senate Resolution No. 965, regarding Nancy Casanova, Boonville, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 966, regarding Alice M. Caskey, Windsor, which was adopted.

On behalf of Senator Steelman, Senator Quick offered Senate Resolution No. 967, regarding Holly Caffarel, Rolla, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 7; SB 10; SB 12; SB 15; SB 17; HCS No. 2 for SB 25; SB 28; CCS No. 2 for HCS for SCS for SBs 31 and 285; HS for SB 32; HCS**

for **SB 33; HCS for SB 34; SB 76; SB 81; SB 83; SCS for SB 90; SB 112; SB 139; SB 152; SB 153; SCS for SB 159; HCS for SS No. 2 for SB 163; SB 169; SCS for SB 176; SB 177; SB 184; SB 188; SB 189; SB 197; SB 207; SB 213; HCS for SB 214; SB 216; CCS for HCS for SB 219; SB 220; SB 237; SCS for SB 244; SB 261; SB 268; HCS for SB 270; SB 271; HCS for SB 278; CCS No. 2 for HS for HCS for SB 291; HS for HCS for SCS for SBs 295 and 46; SS for SB 309; CCS for HS for SB 310; SB 321; SB 329; HCS for SCS for SB 334; SB 348; SB 352; SB 353; SB 357; SB 362; HCS for SCS for SB 386; SCS for SB 391; SB 403; HCS for SCS for SB 405; SB 410; SB 414; SCS for SB 423; SB 424; HCS for SB 426; SB 434; SB 435; SB 460; SS for SCS for SB 467; SB 479; SB 495; and SJR 25**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 7; SB 10; SB 12; SB 15; SB 17; HCS No. 2 for SB 25; SB 28; CCS No. 2 for HCS for SCS for SBs 31 and 285; HS for SB 32; HCS for SB 33; HCS for SB 34; SB 76; SB 81; SB 83; SCS for SB 90; SB 112; SB 139; SB 152; SB 153; SCS for SB 159; HCS for SS No. 2 for SB 163; SB 169; SCS for SB 176; SB 177; SB 184; SB 188; SB 189; SB 197; SB 207; SB 213; HCS for SB 214; SB 216; CCS for HCS for SB 219; SB 220; SB 237; SCS for SB 244; SB 261; SB 268; HCS for SB 270; SB 271; HCS for SB 278; CCS No. 2 for HS for HCS for SB 291; HS for HCS for SCS for SBs 295 and 46; SS for SB 309; CCS for HS for SB 310; SB 321; SB 329; HCS for SCS for SB 334; SB 348; SB 352; SB 353; SB 357; SB 362; HCS for SCS for SB 386; SCS for SB 391; SB 403; HCS for SCS for SB 405; SB 410; SB 414; SCS for SB 423; SB 424; HCS for SB 426; SB 434; SB 435; SB 460; SS for SCS for SB 467; SB 479; SB 495; and SJR 25**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 7; SB 10; SB 12; SB 15; SB 17; HCS No. 2 for SB 25; SB 28; CCS No. 2 for HCS for SCS for SBs 31 and 285; HS for SB 32; HCS for SB 33; HCS for SB 34; SB 76; SB 81; SB 83; SCS for SB 90; SB 112; SB 139; SB 152; SB 153; SCS for SB 159; HCS for SS No. 2 for SB 163; SB 169; SCS for SB 176; SB 177; SB 184; SB 188; SB 189; SB 197; SB 207; SB 213; HCS for SB 214; SB 216; CCS for HCS for SB 219; SB 220; SB 237; SCS for SB 244; SB 261; SB 268; HCS for SB 270; SB 271; HCS for SB 278; CCS No. 2 for HS for HCS for SB 291; HS for HCS for SCS for SBs 295 and 46; SS for SB 309; CCS for HS for SB 310; SB 321; SB 329; HCS for SCS for SB 334; SB 348; SB 352; SB 353; SB 357; SB 362; HCS for SCS for SB 386; SCS for SB 391; SB 403; HCS for SCS for SB 405; SB 410; SB 414; SCS for SB 423; SB 424; HCS for SB 426; SB 434; SB 435; SB 460; SS for SCS for SB 467; SB 479; and SB 495, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE

SECRETARY OF STATE

SJR 25, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HB 1; CCS for HB 2; CCS for HB 3; CCS for HB 4; CCS for HB 5; CCS for HB 6; CCS for HB 7; CCS for HB 8; CCS for HB 9; CCS for HB 10; CCS for HB 11; CCS for HB 12; CCS for HB 13; HB 15; HB 16; HB 17; CCS for HB 18; HB 19; SCS for HB 35; SCS for HB 39; HB 76; SCS for HB 79; HB 94; HB 103; HB 136; HB 145; SCS for HB 152; HB 165; HB 185; HB 201; HB 216; HB 242; CCS for SCS for HB 248; HS for HCS for HB 256; HB 257; HB 265; HB 268; HB 271; HS for HCS for HB 274; SCS for HB 275; HB 282; HB 290; HB 300; HB 326; HB 327; HB 328; HB 346; CCS for SCS for HCS for HB 348; HB 352; HB 358; HB 359; SCS for HB 366; HB 399; HB 402; HB 409; HB**

415; HB 445; HB 453; SCS for HS for HB 454; SCS for HB 464; HB 472; SCS for HB 476; HB 478; HB 487; HB 514; HB 517; HB 518; HB 528; HB 541; SCS for HB 548; HB 568; HB 570; HB 607; HB 646; HB 661; HB 662; HB 678; HB 708; SCS for HB 721; HB 741; HB 748; HB 776; HB 778; SCS for HB 779; CCS for SCS for HB 789; HB 791; SCS for HB 792; SCS for HB 795; HB 796; HB 800; SCS for HCS for HB 814; HB 834; HB 853; HB 857; HB 861; SCS for HB 866; HB 867; HB 893; HB 895; HB 915; HB 920; HB 926; HB 929; HB 930; HB 965; HB 979; HB 987; and HB 988, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Wednesday, May 26, 1999.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIFTH DAY--WEDNESDAY, MAY 26, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

RESOLUTIONS

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 968, regarding Chad Estes Sanderson, Blue Springs, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 969, regarding Carl Simon Baker, Kansas City, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 970, regarding Brian Joseph McEntee, Independence, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 971, regarding Kyle Richard Morrison, Independence, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 972, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nelson Elliott, Independence, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 973, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Rotz, Independence, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 974, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James McPhail, Independence, which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 975, regarding Officer Colby Lalli, Blue Springs, which was adopted.

On behalf of Senator Steelman, Senator Quick offered Senate Resolution No. 976, regarding the Rolla Optimist Club, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 977, regarding Alice Hildebrand, Harvester, which was adopted.

On behalf of Senator Singleton, Senator Quick offered Senate Resolution No. 978, regarding Evalina "Willie" Shippee, MSN, RN, which was adopted.

On behalf of Senator Steelman, Senator Quick offered Senate Resolution No. 979, regarding Harry Ray Baker, Holts Summit, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 980, regarding Pat Matthews, Peculiar, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 981, regarding Thomas Daniel Edmunds, Ed.D., Warrensburg, which was adopted.

On behalf of Senator Scott, Senator Quick offered Senate Resolution No. 982, regarding the death of John "Dinty" Moore, St. Louis, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 983, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Homer Ulmer, Hopkins, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 984, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Emery Pickering, Worth, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 985, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John L. Parman, Barnard, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 986, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Owen Henderson, Jamesport, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 987, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul O'Riley, Fairfax, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 988, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald McCollum, Milan, which was adopted.

On behalf of Senator Graves, Senator Quick offered Senate Resolution No. 989, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Berg, Parnell, which was adopted.

On behalf of Senators Schneider and Goode, Senator Quick offered Senate Resolution No. 990, regarding the Old Chain of Rocks Bridge and Trailnet, Inc., which was adopted.

On behalf of Senator Kenney, Senator Quick offered Senate Resolution No. 991, regarding Ben F. Weir, Jr., Blue Springs, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 992, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norvin Glenn Schenker, Rockville, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 993, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Lee Jenkins, Harrisonville, which was adopted.

On behalf of Senator Caskey, Senator Quick offered Senate Resolution No. 994, regarding Darold Wulfekoetter, Butler, which was adopted.

On behalf of Senator Rohrbach, Senator Quick offered Senate Resolution No. 995, regarding Brian King, Jr., Jefferson City, which was adopted.

On behalf of Senator Flotron, Senator Quick offered Senate Resolution No. 996, regarding Elaine and Gentry Taylor, Crestwood, which was adopted.

On behalf of Senator Maxwell, Senator Quick offered Senate Resolution No. 997, regarding Charlotte Nelson, Macon, which was adopted.

On behalf of Senator Maxwell, Senator Quick offered Senate Resolution No. 998, regarding Myrna Main, Macon, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 999, regarding Joel Austin McCann, Wentzville, which was adopted.

On behalf of Senator Banks, Senator Quick offered Senate Resolution No. 1000, regarding the New Sunny Mount Missionary Baptist Church, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Quick, Vice-Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **CCS for HS for HCS for SS for SCS for SBs 1, 92, 111, 129 and 222; CCS No. 2 for HS for HCS for SCS for SBs 8 and 173; CCS for HS for HCS for SS for SCS for SBs 14, 60 and 69; CCS for HS for SS for SCS for SB 19; CCS No. 2 for HS for HCS for SB 20; CCS for HS for HCS for SCS for SB 61; SB 71; SB 115; HS for HCS for SS for SCS for SBs 160 and 82; CCS for HCS for SB 196; SCS for SB 211; CCS for SB 294; CCS for HS for HCS for SCS for SBs 308 and 314; CCS for HS for SB 326; SCS for SBs 328, 87, 100 and 55; CCS for HS for HCS for SS for SCS for SB 335; HS for HCS for SCS for SBs 387, 206 and 131; CCS for HS for HCS for SCS for SB 394; CCS for HS for HCS for SCS for SB 436; HS for SCS for SB 498; and HS for HCS for SB 518**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HS for HCS for SS for SCS for SBs 1, 92, 111, 129 and 222; CCS No. 2 for HS for HCS for SCS for SBs 8 and 173; CCS for HS for HCS for SS for SCS for SBs 14, 60 and 69; CCS for HS for SS for SCS for SB 19; CCS No. 2 for HS for HCS for SB 20; CCS for HS for HCS for SCS for SB 61; SB 71; SB 115; HS for HCS for SS for SCS for SBs 160 and 82; CCS for HCS for SB 196; SCS for SB 211; CCS for SB 294; CCS for HS for HCS for SCS for SBs 308 and 314; CCS for HS for SB 326; SCS for SBs 328, 87, 100 and 55; CCS for HS for HCS for SS for SCS for SB 335; HS for HCS for SCS for SBs 387, 206 and 131; CCS for HS for HCS for SCS for SB 394; CCS for HS for HCS for SCS for SB 436; HS for SCS for SB 498; and HS for HCS for SB 518**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HS for HCS for SS for SCS for SBs 1, 92, 111, 129 and 222; CCS No. 2 for HS for HCS for SCS for SBs 8 and 173; CCS for HS for HCS for SS for SCS for SBs 14, 60 and 69; CCS for HS for SS for SCS for SB 19; CCS No. 2 for HS for HCS for SB 20; CCS for HS for HCS for SCS for SB 61; SB 71; SB 115; HS for HCS for SS for SCS for SBs 160 and 82; CCS for HCS for SB 196; SCS for SB 211; CCS for SB 294; CCS for HS for HCS for SCS for SBs 308 and 314; CCS for HS for SB 326; SCS for SBs 328, 87, 100 and 55; CCS for HS for HCS for SS for SCS for SB 335; HS for HCS for SCS for SBs 387, 206 and 131; CCS for HS for HCS for SCS for SB 394; CCS for HS for HCS for SCS for SB 436; HS for SCS for SB 498; and HS for HCS for SB 518, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HCS for HB 60; CCS for SCS for HCS for HB 139; HS for HB 162; SS No. 2 for SCS for HB 191; HB 261; CCS for SS for SCS for HCS for HB 267; SS for SCS for HCS for HBs 316, 660 and 203; CCS for SCS for HB 368; SCS for HB 401; CCS for SS for SCS for HS for HB 450; CCS for SS for SCS for HCS for HB 490 and HCS for HB 308; CCS for SS for SCS for HS for HB 516; CCS for SCS for HCS for HBs 603, 722 and 783; CCS for SS for SCS for HCS for HB 676; CCS for SS for SCS for HS for HCS for HB 701; CCS for SS for SCS for HS for HCS for HB 793; CCS for SCS for HS for HCS for HB 852; SS for SCS for HCS for HB 888; SS No. 2 for HCS for HB 889; and HB 903**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made,

the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Singleton offered the following constitutional objection:

May 14, 1999

The Honorable Edward Quick

Senate President Pro Tem

State Capitol, Room 326

Jefferson City, MO 65101

RE: Constitutional Objection to the Conference Committee Report on Senate Committee Substitute for House Committee Substitute for House Bill 343.

Dear Senator Quick:

I would like to lodge a formal constitutional objection to CCS/SCS/HCS/HB 343 based on the published Senate Rules, for the following reasons:

1. The content of the bill went beyond the scope and title of the original bill. The title addressed professional licensing when in fact the content of the bill addressed ambulances, transportation of patients, fireworks and other subjects, which were not included in the original bill nor covered by the final title.
2. A Senate amendment was passed on April 27, 1999, dealing with the lien laws for certain professionals, that were licensed under this act. When Senator Harold Caskey, Senate sponsor, made a motion to take SCS/HCS/HB 343 as amended to a conference, the conference report then altered the Senate amendment to change public policy which was not allowed by his Senate motion made on May 11, 1999, on page 1322 on the Senate Journal. The motion for conference did not allow for exceeding the difference and the above mentioned amendment was substantially changed including public policy and methods of payments for attorneys.
3. As cited in *Hammerschmidt v. Boone County* 877 S.W.2d98, Article III, section 23, of the Missouri Constitution is one of several procedural limitations over legislative action. It provides: "no bill shall contain more than one subject which shall be clearly expressed in its title." The constitutional prohibition against bills containing more than one subject is a corollary to the constitutional requirement that "no bill shall be amended in its passage through either house as to change its original purpose." Due to multiple unrelated issues in CCS/SCS/HCS/HB 343, this bill is unconstitutional.

For this and for the content of the bill, I believe a constitutional objection should be sustained, CCS/SCS/HCS/HB 343 ruled not in order, and therefore, must be vetoed and case law upholding the above findings.

Sincerely,

/s/ Marvin Singleton, MD

Marvin A. Singleton, MD

State Senator, 32nd District

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 343**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Jacob submitted the following constitutional objection:

CONSTITUTIONAL OBJECTION TO
SENATE SUBSTITUTE #3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOs. 427, 40, 196 & 404

COMES NOW, Ken Jacob of the 19th Senatorial District, a duly elected member of the Missouri Senate, to file this constitutional objection to Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Numbers 427, 40, 196 & 404, First Regular Session of the Ninetieth General Assembly, as authorized by the provisions of Article III, Section 30, Constitution of Missouri.

I object to the signing of Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Numbers 427, 40, 196 & 404 for the following reasons:

- 1) Section 565.300.5 of the bill provides an exception to criminal responsibility for a physician to save the life of the mother during pregnancy or to save the life of any unborn or partially born child of the same pregnancy. The subsection does not provide an exception to preserve the health of the mother. Consequently, a physician who performs an abortion to prevent serious, permanent physical injury to a major bodily function of the mother could be prosecuted and found guilty of murder in the second degree.
- 2) Section 565.300.3 of the bill defines the crime of infanticide as "causing the death of a living infant with the purpose to cause said death by an overt act performed with the infant is partially born or born."
- 3) The definition of "partially born" contained in section 565.300.2 of the bill does not reference viability in any manner, and only refers to "partial separation of a child from the mother with the child's head intact with the torso." As a result, a physician could face a murder prosecution for performing an abortion on a fetus early in a woman's pregnancy, prior to the formation of any limbs, and that had no chance of survival outside the womb.
- 4) Supporters of the bill are expanding the prohibition against abortions of viable unborn children contained in section 188.030, RSMo, which permits such an abortion when "necessary to preserve the life or health of the woman." The law specifies that even the second physician, required to take all reasonable steps to preserve the life and health of the viable unborn child, shall give primary consideration to the mother. Pursuant to section 188.030, RSMo, the acts of the second physician to protect the life of the viable unborn child are required provided "it does not pose an increased risk to the life or health of the woman."
- 5) The intent of the supporters to expand current the provisions of Chapter 188, RSMo, by enacting a criminal prohibition contained in the bill was evidenced by their rejection of numerous amendments offered to include a limitation to pre-viable unborn children and to include a health exception for the mother (Senate Journal, April 28, 1999, pages 1000 - 1011; May 3, 1999, pages 1040 - 1041; May 4, 1999, pages 1069 - 1070, 1081 - 1083.) Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Numbers 427, 40, 196 & 404, contained the original language of the prior substitute and incorporated the amendments that had been adopted.
- 4) Since 1973, the United States Supreme Court has consistently held that a state had a compelling interest in protecting the fetus only when the fetus became viable, and even then abortion had to be available if necessary to preserve the woman's life or health. Statutes that attempt to prohibit abortions pre-viability, or without consideration of the woman's health, are unconstitutional. Roe v. Wade, 410 U.S. 113 (1973); Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992).
- 5) Federal courts have recently repeatedly invalidated laws that restricted abortion services to women without regard to viability or that failed to contain an exception when the woman's health is endangered. Evans v. Kelley, 977 F. Supp. 1283 (E.D. Mich. 1997); Women's Medical Professional Corp. v. Voinovich, 130 F.3d 187 (6th Cir. 1997), cert. denied, 118 S. Ct. 1347 (1998).

Respectfully Submitted,

/s/ Ken Jacob

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 17** and **HCR 35**, would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

On motion of Senator Quick, the Senate adjourned, pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
NINETIETH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION
VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 15, 1999

The Senate was called to order in Veto Session by President Wilson.

The Reverend Carl R. Gauck offered the following prayer:

Hear the Psalmist's Words: "Be Still, then, and know that I am God." (Psalm 46:11)

Gracious and Heavenly Father: We are thankful to be part of Your creation and for the opportunities for re-creation during what seems such a short break from our business here in the Senate. We would ask that You be with us during these days guiding our hearts and minds as we consider the bills sent back for our consideration once again. As we do so we ask that You still the storms about us so we may listen to Your still quiet voice and do what is in keeping with Your Gracious will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 244 entitled:

AN ACT

To repeal section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists.

I disapprove of Senate Committee Substitute for Senate Bill No. 244. My reasons for disapproval are as follows:

Instead of repealing the language of section 337.029, RSMo Supp. 1998, as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479 and 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 and 1428, eighty-ninth general assembly, second regular session, relating to the regulation and licensing of psychologists, it repealed the language of Senate Bill 732 enacted during the second session of the eighty-ninth general assembly.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 244 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Bill 294 entitled:

AN ACT

To repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

I disapprove of Conference Committee Substitute for Senate Bill 294. My reasons for disapproval are as follows:

This bill repeals the 32 year old law requiring motorcyclists to wear a motorcycle helmet unless the motorcyclist is 21 years of age or under.

Traffic crashes are the leading cause of death and disability in the United States. Per mile traveled, motorcyclists are 16 times more likely than passenger car occupants to die in a traffic crash and about four times as likely to be injured. National Highway Transportation Safety Administration (February 1996). *Report to Congress: Benefits of Safety Belts and Motorcycle Helmets.*

While only 20 percent of car crashes result in injury or death, that figure jumps to an astounding 80 percent for motorcycle crashes. National Highway Traffic Safety Administration. *Fatality Analysis Reporting System* data (1996).

The single most important safety device a motorcyclist can have is a helmet. Helmets are about 29 percent effective in preventing motorcycle deaths and about 67 percent effective in preventing brain injuries. National Highway Traffic Safety Administration. *Traffic Safety Facts 1996 - Motorcycles*. Washington, D.C.: U.S. Department of Transportation.

Failure to use motorcycle helmets places a large financial burden on society and individual states. National Highway Traffic Safety Administration. *State Legislative Fact Sheet*, (September, 1997).

Helmet laws significantly reduce the strain on public resources. Unhelmeted riders cost more to treat at the hospital, spend a longer time in rehabilitation, and are more likely to require some form of public assistance to pay medical bills and rehabilitation. A large number of studies have focused on this issue and, although the percentages vary, one central point remains clear: whether as taxpayers or insurance customers or medical consumers, we all pay. National Highway Traffic Safety Administration (August 1998). *Without Motorcycle Helmets We all Pay the Price* (DOT HS 808 601). Washington, D.C., U.S. Department of Transportation.

The most recent statistics show that private insurance pays for approximately 66 percent of the cost of inpatient care for motorcycle crash victims. Another 22 percent is paid by public funds and 12 percent is paid by public funds and 12 percent is categorized as another source (usually self-payment). National Highway Traffic Safety Administration (February, 1996). *Report to Congress: Benefits of Safety Belts and Motorcycle Helmets*. (DOT HS 8-8-3347). Washington, D.C. U.S. Department of Transportation.

Every state legislature struggles with answering voters' requests for better education systems and lower crime rates, yet state dollars are spent on citizens who incur avoidable head injuries while riding a motorcycle without a helmet. A surviving patient with a critical head injury incurs on average of \$171,000 in medical and convalescence costs in just the first year following the injury. United States General Accounting Office. (July 1991). *Highway Safety: Motorcycle Helmet Laws Save Lives and Reduce Costs to Society*. (GAO/RCED-91-170). Washington, D.C. U.S. General Accounting Office.

But states need the right law -- a law requiring everyone who rides to wear a helmet. Age-specific laws that require only minors to wear helmets have little or no impact and are virtually impossible to enforce. National Highway Traffic Safety Administration. (August, 1998). *Without Motorcycle Helmets We all Pay the Price* (DOT HS 808 601).

A helmet law is not a "stand-alone" issue. The motorcycle helmet law issue is directly tied to larger issues...health care, budget, and public safety...National Highway Traffic Safety Administration. (August, 1998). *Without Motorcycle Helmets We All Pay the Price* (DOT HS 808 601).

For all of the above stated reasons for disapproval, I am returning Conference Committee Substitute for Senate Bill 294 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335 entitled:

AN ACT

To repeal sections 1.160, 149.011, 149.071, 217.760, 513.653, 558.011, 558.016, 569.025, 569.035, 570.020, 573.503 and 577.023, RSMo 1994, and sections 21.455, 392.540, 407.020, 558.019, 559.021, 559.026, 559.115, 559.630, 559.633, 559.635, 570.030, 570.040, 571.030, 589.400, 589.410, 589.414 and 589.425, RSMo Supp. 1998, relating to crimes and punishment, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions for certain sections.

I disapprove of Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335. My reasons for disapproval are as follows:

This bill would permit a judge to order as a condition of probation a "donation of a designated amount of money to a county law enforcement fund as determined by the judge...."

It further provides that the money deposited into the fund "...shall only be expended with the approval of the majority of the presiding commissioner, the sheriff and one other elected county official to be agreed upon by the presiding commissioner and the sheriff."

There is no reference to the money going through the county appropriation process.

There is no limit to the amount that would be required to be paid into the fund.

There is no definition of a "county law enforcement fund." There are no limitations on what purposes money in the fund can be spent, or that it must be used only to reimburse law enforcement for the costs of the investigation or can only be used for law enforcement purposes.

These provisions create the perception that someone could pay into the fund in order to be placed on probation, or worse, go to prison if they failed to pay into the fund. In other words "buy probation."

While some urge the signing of this bill because of the need for additional funding for law enforcement, this bill does not require the funds be spent only on law enforcement purposes.

I must disapprove of SB 335 based upon this provision.

For all of the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 335 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 13, 1999

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for Senate Committee Substitute for Senate Bill No. 498 entitled:

AN ACT

To repeal section 210.173, RSMo 1994, and sections 301.131, 301.132, 301.142, 301.145, 301.191, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1998, and sections 301.130 and 301.144 as both versions appear in RSMo Supp. 1998, relating to motor vehicle license plates, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions.

I disapprove of House Substitute for Senate Committee Substitute for Senate Bill No. 498. My reasons for disapproval are as follows:

While the title of the bill states that it is an act "*relating to motor vehicle license plates...*" it contains provisions creating a "Missouri Alternatives

to Abortion Support Fund" and a "Missouri Respect Life Commission" in the Office of Administration. The bill also purports to create duties and responsibilities of the Commission as well as an appointment process for the members of the Commission.

These provisions are clearly unrelated to license plates.

The other license plate provisions of the act are clearly related to groups already created. This is the only provision that creates the organization that is to receive the payment for a special cause or group.

The use of a license plate bill to create a lobbying organization is inappropriate and in this particular act most likely in violation of Article III Section 23, of the Missouri constitution which states:

"No bill shall contain more than one subject which shall be clearly expressed in its title..."

For all of the above stated reasons for disapproval, I am returning House Substitute for Senate Committee Substitute for Senate Bill No. 498 without my approval.

Respectfully submitted,

/s/Mel Carnahan

RESOLUTIONS

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninetieth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninetieth General Assembly.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 3

WHEREAS, Section 105.496 of the Revised Statutes of Missouri and Rule 25 of the Missouri Senate establish the Senate Committee on Ethics; and

WHEREAS, Rule 28 of the Missouri Senate establishes a duty on the Senate Committee on Ethics "to consider, examine and report all matters and bills referred to it relating to ethics and the conduct of public officials and employees", and the duty to "recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted"; and

WHEREAS, the governor, as head of the executive branch, is charged with the responsibility of appointing individuals to serve in various executive and judicial functions; and

WHEREAS, legislators who are facing the prospect of removal from office by term limits may feel pressured to leave their current elected offices for other positions; and

WHEREAS, there have been recent reports in the media that such legislators may be offered employment or other pecuniary gain in exchange for their votes; and

WHEREAS, the appearance of unethical conduct by a legislative member subject to term limits, for such member's own gain, may have adverse effects on the General Assembly if not properly examined and resolved; and

WHEREAS, Senate Rule 31 authorizes the President Pro Tem of the Senate to designate any standing committee of the Senate to function during the interim as "considered necessary to consider matters referred to them, to hold hearings, hear testimony, receive evidence, make such studies as are deemed necessary and to perform any other necessary legislative function pertinent to their respective powers and duties":

NOW THEREFORE, BE IT RESOLVED, that the Missouri Senate hereby requests that the President Pro Tem of the Senate designate the Senate Committee on Ethics to conduct hearings, perform studies and make findings on matters concerning ethics and the ethical conduct of members who are subject to term limits and the potential for personal gain, which may include ethical training, examination of any allegations of such conduct as it relates to any legislation before the General Assembly, or the need to rewrite any laws governing the conduct of members of the legislative branch; and

BE IT FURTHER RESOLVED, that the Senate Committee on Ethics be authorized to consult with appropriate legal counsel in its study of ethical concerns; and

BE IT FURTHER RESOLVED, that the Senate Committee on Ethics be authorized to refer any matters deemed unethical and contrary to law to the appropriate law enforcement officials; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate and all members of the Senate Committee on Ethics.

Senator Klarich offered the following resolution:

SENATE RESOLUTION NO. 4

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Twenty-sixth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 102 be amended to read as follows:

"Rule 102. A member of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in section 105.470(4)(a), RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member in any calendar year from a lobbyist or lobbyist principal, as defined in section 105.470(4)(a), do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

- (1) The participation of members in activities authorized in Section 105.473.3(2)(c), RSMo, or in caucuses approved by the Senate Ethics Committee regardless of the aggregate value;
- (2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration **or participation in seminars or meetings of a state association or receipt of educational materials from a state association;**
- (3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or
- (4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule."

Senator DePasco moved that the Senate proceed to the order of business, vetoed bills, and that the calendar be called, which motion prevailed.

SCS for **SB 244** was called thereafter and no action was taken thereon.

CCS for **SB 294** was called thereafter and no action was taken thereon.

CCS for **HS** for **HCS** for **SS** for **SCS** for **SB 335** was called.

Senator Caskey moved that **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 335** be passed, the objections of the Governor thereto notwithstanding, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Flotron	House	Howard
Johnson	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Ehlmann	Goode	Graves	Jacob
Kenney	Maxwell	Russell	Steelman--8
Absent--Senators			
Bland	Clay--2		
Absent with leave--Senators--None			

HS for **SCS** for **SB 498** was called thereafter and no action was taken thereon.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninetieth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 1999 Constitutional Veto Session and ready for consideration of business.

On motion of Senator DePasco, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Wilson.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 5, regarding the One Hundred First Birthday of Nina Swalley, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 6, regarding the One Hundred Third Birthday of Mrs. Anna L. Narans, St. Joseph, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Dennis and Daniel Tacchi and Dennis and Alexander Corrigan, Wildwood; and Daniel and Alexander were made honorary pages.

On motion of Senator DePasco, the Senate adjourned under the rules.

Journal of the Senate

FIRST REGULAR SESSION

VETO SESSION

SECOND DAY--THURSDAY, SEPTEMBER 16, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

"Now there was a great wind, so strong that it was splitting mountains and breaking rocks in pieces before the Lord but the Lord was not in the wind; and after the wind an earthquake, but the Lord was not in the earthquake; and after the earthquake a fire, but the Lord was not in the fire; and after the fire a sound of sheer silence." (1 Kings 19:11-12)

Gracious and Heavenly Father: Amid the thunderous sounds of thousands of feet in the Capitol and the wind of disagreeing voices we need this quiet moment of prayer with You, so that we may experience Your presence and that You may touch our hearts and minds providing the wisdom and courage we need to know and do Your will for Your people here in Missouri. Grant these things to us this day dear God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Childers offered Senate Resolution No. 7, regarding the Monett Kiwanis Club, Monett, which was adopted.

Senator Howard offered Senate Resolution No. 8, regarding the death of Herschel Wilburn Bess, Poplar Bluff, which

was adopted.

Senator Howard offered Senate Resolution No. 9, regarding Daryl Vaughn, Mingo, which was adopted.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 10

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 244; Conference Committee Substitute for Senate Bill No. 294 and House Substitute for Senate Committee Substitute for Senate Bill No. 498 when the bills were so called by the President.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 11

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of three hundred thirty dollars (\$330.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Stoll offered Senate Resolution No. 12, regarding the Fortieth Anniversary of St. Pius X High School, Festus, which was adopted.

Senator Klarich moved that **SR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **SR 4** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Mueller	Rohrbach	Sims--3	
	Absent--Senators		
Ehlmann	Quick	Staples--3	
	Absent with leave--Senator Banks--1		

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 13

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Herschel Wilburn Bess, who was baptized into the Hope of Christ's Resurrection on September 12, 1999; and

WHEREAS, Herschel Wilburn Bess came into this world in Bollinger County, Missouri, on February 15, 1904, and attended West Mayfield Junior College in Marble Hill upon his graduation from Blodgett High School in 1922; and

WHEREAS, on December 17, 1939, Herschel Bess married his beloved Arretia Ellis, a kind and caring woman who enjoyed each and every moment of his company until her departure from this world on June 26, 1995; and

WHEREAS, a former teacher and basketball coach at Braggadocio in Pemiscot County, Herschel Bess provided a safe and secure future for himself and his wife through many years of tireless endeavor in the produce business; and

WHEREAS, following his retirement as the co-owner of Bluff City Produce in 1965, Herschel Bess remained active as a member of the board of directors of eleven banks in Southeast Missouri, the Bank of Poplar Bluff's board of directors, and the Appalachian Life Insurance Board; and

WHEREAS, a 32nd degree mason and member of the Masonic Order Blue Lodge, Knight Temple, and the Lions Club, Herschel Bess compiled an enviable list of service to his community through many years of active affiliation with the Southeast Missouri State University Board of Regents; the Poplar Bluff School Board; the City, Light & Water Board; and the First Baptist Church Board of Trustees; and

WHEREAS, Herschel Bess was known, admired, and respected by his fellow citizens for the unwavering support and financial assistance he provided to countless institutions and organizations that include Three Rivers Community College, Southeast Missouri State University, the United Gospel Rescue Mission, the Greater Poplar Bluff Area Chamber of Commerce, and the First Baptist Church, which dedicated a new chapel with a gift provided by Herschel and Arrettia Bess; and

WHEREAS, the proud recipient of the Greater Poplar Bluff Area Chamber of Commerce 1989 Citizen of the Year award, Herschel Bess leaves behind to cherish his memory his sister, Marilyn Thrower of Poplar Bluff; his twenty-nine nieces and nephews; and a host of other family members and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to Herschel Bess, a remarkable gentleman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for his son, Buddy Bess, Marilyn Thrower and Three Rivers Community College.

Senator Wiggins offered Senate Resolution No. 14, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William A. Tate, Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 15, regarding the Fiftieth Anniversary of Doctors Regional Medical Center, Poplar Bluff, which was adopted.

Senator DePasco announced that photographers from the Kansas City Star, KMBC-TV, the Associated Press, the St. Louis Post-Dispatch, KSDK-TV, KOMU-TV, KTVI-TV, KYTV-Springfield, KRCG-TV, KCTV 5 and the Columbia Missourian had been given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 and 404, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute #3 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 427, 40, 196 and 404.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **HB 2**, **CCS** for **HB 3**, **CCS** for **HB 5**, **CCS** for **HB 7**, **CCS** for **HB 8**, **CCS** for **HB 11**, **CCS** for **HB 12**, **CCS** for **HB 13**, **CCS** for **HB 18**, **SCS** for **HCS** for **HB 60**, **CCS** for **SS** for **SCS** for **HCS** for **HB 267**, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 793**, and **HB 929** when the bills were called by the Speaker and that a motion to override the veto on **CCS** for **HB 9** was made and failed when the bill was called by the Speaker.

Senator House moved that **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be passed, the objections of the Governor thereto notwithstanding.

Senator House was recognized to speak on his motion and proceeded to demonstrate with the use of props.

President Pro Tem Quick assumed the Chair.

Senator Maxwell raised the point of order that the use of props during debate on the Senate floor was out of order.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob offered a substitute motion, pursuant to Senate Rule 73, to postpone indefinitely the question before the body.

Senator House requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Childers, Klarich, Russell and Yeckel.

Senator Childers raised the point of order that the motion to postpone indefinitely is non-debatable.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob was recognized to close.

Senator Jacob yielded to Senator Klarich for interrogation.

Senator Maxwell rose to interrogate Senator Klarich.

Senator Jacob yielded the floor to Senator Maxwell.

Senator Caskey raised the point of order that once a member has been recognized to close he may yield to another Senator for inquiry, but for no other purpose.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Jacob, the substitute motion was withdrawn.

Senator Jacob rose seeking the floor.

Senator Schneider raised the point of order that it is out of order for Senator Jacob to be recognized since a Senator cannot speak more than once on a bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob offered a substitute motion that the question of the override of **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be postponed until 11:00 a.m., September 24, 1999.

Senator Russell requested a roll call vote be taken on the substitute motion made by Senator Jacob and was joined in his request by Senators Kenney, Flotron, Rohrbach and Wiggins.

Senator Staples assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

The substitute motion made by Senator Jacob failed of adoption by the following vote:

YEAS--Senators			
Banks	Bland	Clay	Jacob
Maxwell	Quick	Sims--7	
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senator Goode--1			
Absent with leave--Senators--None			

The motion to override the Governor's veto of **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

President Wilson assumed the Chair.

On motion of Senator House, **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** was passed, the objections of the Governor thereto notwithstanding, by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Banks	Bland	Clay	Goode

Jacob

Maxwell

Quick--7

Absent--Senators--None

Absent with leave--Senators--None

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 16, regarding Carolyn A. Bluma, Meta, which was adopted.

Senator Howard offered Senate Resolution No. 17, regarding Noranda Aluminum, Inc., New Madrid, which was adopted.

Senator Childers offered Senate Resolution No. 18, regarding Dayton Mackey, Monett, which was adopted.

INTRODUCTION OF GUESTS

Senators Rohrbach and Jacob introduced to the Senate, members of the Church of God-Holiness, Columbia; and Brad Davis, Jalyn Davis, Beth Maddox and Reagan Maddox were made honorary pages.

On motion of Senator DePasco, the Senate adjourned sine die pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate